

City Council Regular Meeting Session Transcript – 10/17/2019

Title: City of Austin

Channel: 6 - COAUS

Recorded On: 10/17/2019 6:00:00 AM

Original Air Date: 10/17/2019

Transcript Generated by SnapStream

=====

Please note that the following transcript is for reference purposes and does not constitute the official record of actions taken during the meeting. For the official record of actions of the meeting, please refer to the Approved Minutes.

[10:14:36 AM]

>> Mayor Adler: All right, I think we can gear up here. On this October 17, our council meeting. Before we -- before we start, I want to move us to our opening moment. It's our custom here at city council to start our meetings with a peaceful moment by inviting different people from different walks of life and different faiths to share prayers or moments of reflection. This is an important way that we celebrate the diversity that exists in our city and we begin our meetings with everyone focused and aligned for the greater good. I'm real excited today as we move into this moment of silence that we have a group visiting with us from grand Rapids, including my close

[10:15:37 AM]

friend mayor bliss from Grand Rapids is here. Thanks for coming and joining us.

[Applause] You know, in a moment that probably is devinely inspired, the speaker that was going to give us our moment today of poetry this morning is not able to be with us. But -- what? Oh, here. Then you are here. Okay. Great. Why don't you come on down.

>> Thank you for having me. I wrote a short poem today to shine a light on my huston-tillotson university. Let me tell you what happens on bluebonnet hill. Over 900 lives were changed

[10:16:37 AM]

on Chicon street where statistics cannot pass security Gates because with or without them we are trained to excel. We pride ourselves in our core values meaning integrity, diversity, excellence, accountability, and leadership. Our coach, president burnet, has embedded we are ideal, we are ideal so it comes second nature to us. I mean presentation, I mean speaking engagements on this soil. Entrepreneurs find their wings and teachers earn their apples on this soil. Merely being black isn't enough to get shot but celebrated on this soil. People are able to revisit the dreams once departed from them and their youth. Our team is made up of mostly black and brown players, but also go overseas who also may need even a seed of hope to sprout. You see at huston-tillotson

[10:17:41 AM]

university we're grooming all stars. They only needed someone to believe in them from the start. We rotate our trail blazers every may to rotate another group in right through the front Gates. The next pass you pass 900 Chicon street, you should start cheering for us or maybe honk your horn because whether we're at practice or its game day, we all go there to become better students or better people. Lives are changed every day. My life is changed every day. This is why I love my hbcu and why you should too.

>> Mayor Adler: Thank you very much.

[Applause] So if you don't have an agenda, that was earlyssa "Earl the poet" cooper. Ms. Cooper, Earl the poet, is the poet laureate at

[10:18:42 AM]

huston-tillotson college. Thank you so much for helping us start our meeting today. And welcome to the group from Grand Rapids. Today is Thursday, October 17th, 2019. We are in the city council chambers here at city hall, 301 west second street. The time is 10:18. We have a quorum present. And we can begin our city council council meeting. I think the folks from grand Rapids are amazed at how many things we have on our agenda here today.

[Laughter] They may not be with us until this evening. Today we have councilmember alter who is going to be joining us, I think she said about 11:30, and councilmember tovo is not feeling well. I hope she is joining us here later, but I just wanted to note that. Council, let's take a look

[10:19:42 AM]

at the changes and corrections. We have ahfc, the ten housing finance corporation, item number 3 has been withdrawn. I intend to take up the ahfc item as soon as we can get to it because there's action that needs to be taken. They have a deadline with the state submission. We need to approve things to get

them on their way. Item number 3, October 14, 2019, this is recommending unanimously by the electric utility commission on an 8-0 vote. On item number 7, October 8, 2019, this was recommended by the airport advisory commission on an 8-0-0-3 vote. Item number 9 is being postponed until October 31, 2019. Item number 10 is to approve an ordinance setting the council meeting scheduled for year 2020 and setting the budget and tax rate hearings. The dates -- suggested dates

[10:20:44 AM]

are July 23, July 30, and it should be August 12, 2020, and not September. I'm handing out on the dais an amendment to item number 10 that we discussed at work session. It just moves the February 13th date to February 6th and the February 27th date to February 20th. Just moves the two February meetings up a week. Without objection, that amendment will be added to that item and it will remain on consent. Item number 12 is withdrawn. Item 13 is withdrawn and replaced by addenda item 69. Item number 24, I'm going to be listed as a co-sponsor of that. Item number 39 is withdrawn and replaced by addenda item 70. 40 is replaced -- withdrawn and replaced by item 71. Item number 41, it should be

[10:21:45 AM]

noted, is in district 4, not district 9. Item number 61, the street address is 2401 Winsted lane. Item 63, a valid petition has been filed in opposition to the rezoning request, and item number 76 has been withdrawn. Council members, I'm looking at the pulled items. Item number 8 is being pulled because it's going to be taken up after the public hearing on 37. Item number 11 is pulled, it's coming up after we hear item 41, the public hearing. Item number 24 is being pulled so we can take that up after executive session. Item number 3 is being pulled by the mayor pro tem. 33 is being pulled by the

[10:22:45 AM]

mayor pro tem. Sorry, I misspoke. Item number 25, the animal ordinance, is being pulled by speakers. That's 25. And then items 29, 30 and 32 are being pulled by speakers. We have some people here to speak on the consent agenda. Are there other items that are being pulled? Yes, councilmember.

>> Harper-madison: I would like to pull items 25 and 31.

>> Mayor Adler: Item number 25 and item number 31. Okay. Those items are pulled. All right, so I'm showing the pulled items to be -- I'm showing the consent agenda to be items 1 through 34 and 68 to 78. That's the consent agenda. The pulled items are 8, 11,

[10:23:51 AM]

24, 25, 29, 30, 31, 32, and 33. Any other pulled items? We'll go to speakers then. Consent speakers, Mr. Peña, Gus Peña. And Paul Caldero is on deck.

>> Good morning, mayor and

[10:24:54 AM]

councilmembers. I'm able to be here with you. I have been hospitalized, but first of all I'd like to -- as is my custom to recognize, first of all, and bear with me, Mr. John Fletcher, who is the Ibj leadership team. Mr. Fletcher, will you stand up with your group also to be recognized? These students are here are also to learn about government. Give them applause.

[Applause] Thank you very much for your leadership, Mr. Fletcher, and the young people you have take over for us. We're getting old. I'm getting old. Bear with me, Mr. Mayor. What are the items that I am able to speak?

>> Mayor Adler: 3, 29, 31 and 71 are the ones you signed up for.

>> 29. Okay.

>> Mayor Adler: 29 has been pulled so you don't need to speak to that.

>> Okay, great. Number 3, I think this is a

[10:25:55 AM]

good item on the agenda. We fully support Mr. Munos and his group for many years. I wanted to mention also that apart from that, there is -- we're going to be speaking about that later on, but there's a lot of problems with problematic issues with -- with the city not doing enough for the people. But I want to thank councilmember tovo, councilmember pool and councilmember Ellis. I was here at the work session and you came over and said are you okay. I was using a cane. But I want to thank you. That made me feel real good and you three, I appreciate you very much, this old man. I want to -- I'm going to let it go because I've been taking pain medication but thank you for the hard work. I'm going to leave it at

[10:26:56 AM]

that. I know I've been critical of your -- but, you know, take it for the worth that it is because I appreciate each and every one of you all that you do the hard work. And we're going to talk about the ordinance, camping ordinance later on, I think, but I just got to go home, but thank you very much for the hard work you all do. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Good morning, mayor, members of council, Paul Caldero, I'm here to speak on items 2 and 28. I submitted comments to your offices and gave copies to the city clerk so I just want to reiterate a few points. First with regard to increasing capacity for recycling capacity at apartment communities, we kind of wish the language would simply say you have to have enough capacity to prevent overflowing like some of the other leading-edge cities, but, you know, and it wasn't

[10:27:58 AM]

pegged to a certain unit -- I'm sorry, gallon per unit number. So, you know, we kind of expressed that opinion. There's not a whole lot of properties that -- or there are a lot of properties that really don't need the extra capacity so we wish they could work on their own to find a balance. But that said, you know, I tell you, this issue really exposed the contamination problem. We have properties that are spending thousands of dollars a year on contamination fees and we wish the city would get their arms around the contamination issue. We have confidence in the Austin resource recovery department to kind of dig into it and we would like to see some movement on what is causing the contamination, why are hauls being rejected and fees being paid. I can say that we think the -- on item 28, we're all for a pilot program for organic composting.

[10:28:59 AM]

We just want the -- we just want the pilot program to be very robust and we think longer than three months after the pilot program is needed to kind of really gather some stakeholder opinion. So appreciate the comments -- or appreciate the opportunity.

>> Mayor Adler: Okay. Mr. Caldero, on some of those issues, they extend beyond what's happening today and I appreciate the ability for my office to visit with you on some of the points that you raised. While you are here, I just want to thank the apartment association for doing everything it's doing with respect to helping contribute to housing folks that are experiencing homelessness in the community. You guys are doing a lot and I just want to say thank you.

>> I appreciate that.

>> Ellis: Mayor, I also wanted to thank you for your input. This is my item and I also live in an apartment. I hear what you are saying and in late backup we extended the three-month deadline to six months. So we've got a little more input and would be happy to

[10:29:59 AM]

communicate with you moving forward and have your insight as part of this process, but we're excited about the opportunity.

>> You bet.

>> Ellis: Thanks.

>> Mayor Adler: Thank you. Is James Slattery here? Why don't you come on down, sir. I'm sorry. You are 33, but 33 has been pulled. We'll bring you back up in a second. Okay? I think those are all the public speakers we have on the nonpulled items. That brings us back up to the -- back up to the dais. Let's see here. The pulled items I'm showing are 8, 11, 24, 25, 29, 30, 31, 32, and 33.

[10:31:01 AM]

>> Garza: I move consent.

>> Mayor Adler: It's been moved. Is there a second? Councilmember Casar seconds that motion. Discussion on the consent agenda? Councilmember Pool.

>> Pool: I just had quick remarks on item 22 and as sense I would like to register. On item 22, this is the one with the polycyclic aromatic hydrocarbons, and this is paving materials for roads and streets. I want to quickly acknowledge our staff for initiating this item and our efforts to continue reducing the amount of the PAHs through additional regulation. These are coal tar pavement products, and as part of our work toward zero carbon pollution, this is a really important piece. And then I'd also like to encourage the city manager to work with staff to reach out to surrounding cities

[10:32:01 AM]

like Sunset Valley and Buda, Kyle, Travis County and Hays County to demonstrate how stronger regulations like these that our staff have compiled can go a really long way toward achieving our climate goals. I wanted to acknowledge staff's diligent and excellent work in this matter. And the abstention is on item 69. That's the Oak Hill Parkway where we are -- where TxDOT is taking some of our property in order to widen the road and along with our environmental goals I have been trying really diligently not

to approve widening of these major arteries similar to the flyover at the oak hill Y. And so I'm abstaining on -- it was item 12 and it was replaced with item 69. Thank you.

>> Mayor Adler: Okay. The record shed note we have a late backup on boards and commissions so we'll be

[10:33:01 AM]

voting on on 23 will be what has been published here and what is on the dais. Further discussion on the consent agenda? Councilmember Casar.

>> Casar: I don't know if we have to wait to postpone item 11 because it's tied to a public hearing on 41, but the applicant an affiliate of the housing authority and the housing authority has requested postponement so I don't know if 11 and 41 should go on postponement.

>> Mayor Adler: I think 41 public hearing is not set by time.

>> Casar: My understanding is the housing authority has requested postponement on these till October 31 so maybe it could just go consent postponement.

>> Mayor Adler: Let's do that afterwards because 41 is not part of the consent agenda. 11 is being withdrawn, replaced by 41, so let's handle 41. Further discussion on the

[10:34:02 AM]

consent agenda? It's been moved and seconded. Those in favor of the consent agenda please raise your hand. Those opposed? Unanimous on the dais with councilmembers tovo and alter off. Let's do the Austin housing finance corporation meeting. Here at 10:34, I'm recessing the city council meeting and I am convening the board of directors of the Austin housing finance corporation.

[See separate transcript for Austin Housing Finance Corporation meeting]

>> Mayor Adler: I adjourn the meeting of the Austin housing finance corporation and reconvene the city council meeting here at -- still October 17th. It is 10:35. Let's go ahead and -- if those public hearings are being postponed, let's go ahead and take action on those. What numbers were those, councilmember Casar?

>> Casar: 11 and 41.

>> Mayor Adler: So is 11 and 41, staff wants to

[10:36:02 AM]

postpone 41. Do we know when it's being postponed to?

>> [Inaudible]

>> Mayor Adler: 10-31.

>> October 31, yes.

>> Mayor Adler: Is there any objection to postponing item number 41 until October --

>> And 11.

>> Mayor Adler: And 11.

>> They are tied together.

>> Mayor Adler: Any objection to postponing 11 and 41 to October 31? Hearing none, but of those items are postponed. Okay. Let's go ahead and take up item number -- item number 8 and item number 37. No one is signed up for that. Is that something we can take care of quickly? 8 and 37? I'm going to call up 8 and

[10:37:03 AM]

37. Is there a motion to approve 8 and 37? Is the public hearing. So I have no one signed up to speak on item number 37. Is anyone here wishing to speak on it? Is there a motion to close the public hearing on item 37? Councilmember pool makes the motion to close the public hearing. Is there a second? Mayor pro tem seconds that. Any objection to closing the public hearing. Hearing none, the public hearing is closed. That then means we're ready now to take a vote on item number 8. Someone want to move passage of item 8? Mayor pro tem makes that motion. Is there a second? Councilmember harper-madison seconds. Any discussion? Those approving item number 8 raise your hand? Those opposed? Unanimous on the dais with councilmembers alter and tovo off the dais. We have the homelessness ordinances, but we don't

[10:38:04 AM]

have the -- councilmember tovo here so I'm going to pass on those momentarily. Item number 31 is the Rainey street issue. That also concerns councilmember tovo so I'm going to hold on to that one for a moment. That gets us up to item number 33. Mayor pro tem, this is your motion.

>> Garza: Sure. I guess I'll speak to the amendments and then I can be recognized for the motion because -- so this is the vote resolution -- actually -- let me speak to it first because I know there's a speaker on the way.

>> Mayor Adler: Okay.

>> Garza: I'm sorry, I can't find my talking points. Moving so quickly.

>> Mayor Adler: Just for the record, when we approved item 37 associated with item 8 just a moment ago, there

[10:39:04 AM]

was actually an action item associated with 37 in addition to 8. The record should reflect without objection that our approval was both for item 8, we had the public hearing on 37 and we also approved the resolution part of 37. Okay. Continue on.

>> Garza: Mayor, can we take the two speakers and then I'll speak to it and if the speaker gets here in time, they can speak as well.

>> Mayor Adler: Yes. Let's call the two speakers on item number 33. Mr. Slattery, do you want to come on down? And then Amanda nadinger.

>> Thank you, James slattery, senior staff attorney in the voting rights program at the Texas civil rights project. At tcrp we work every day to dismantle systemic voters so every eligible voter can cast a ballot fairly and

[10:40:04 AM]

accurately counted. Thank you for the opportunity today to testify in strong support of agenda item 33 which would enact a host of pro-voter reforms that would make it easier for the will of the people to be heard in our elections. The state of Texas has a long and dark history of suppressing the right to vote. In the decades after the civil war, Texas imposed a number of restrictions with the intended purpose of excluding women and people of color from the franchise, including among other measures the poll tax and the white primary. Sadly Texas' pattern of voter suppression has continued into the 21st century including partisan and racial gerrymandering. The nation's most restrictive voter id law which the court intends of Texans African-American and hispanic. Closing more polling places than any other state since 2013.

[10:41:04 AM]

Discriminatory purges of the voting rolls and politically motivated campaign targeting persons of color for innocent voting mistakes. And these are just the voter suppression tactics that grab headlines. As tcrp noted in its recent report during the 2018 midterms, an array of other problems affected more than a quarter million Texas voters last year, including late poll openings, long lines at polling places, voting machine malfunctions, voter intimidation, and the failure to fully offer voter registration during driver's license transactions. That context, not just a history of voter suppression, but actual ongoing efforts right now to restrict the right to vote is why agenda item 33 is so necessary. In a democratic society is the government's responsibility to ensure that the people can freely and fairly vote in elections. Our government becomes more

[10:42:06 AM]

responsive and more accountable to the people when more people can vote. By promoting urgent reforms to make voting easier, agenda item 33 will make our democracy and city stronger and benefit us all. Thank you for your time.

>> Good morning, everyone. My name is Amanda and I am the deputy director of common cause Texas. We're a national organization designed to fight voter suppression at every turn. I am here today in support of item 33. The progress we as a country and state have made over the last five decades since the voting rights act is immeasurable and undeniable. But with the gutting of the

[10:43:07 AM]

map with decisions like citizens united we've seen our state a rising hostility against our duty to participate in democracy. Letting Texas vote by fixing the systemic barriers is critical to Austinites making their voices heard through the power of the ballot box. For years voting rights advocates have only played defense of the capitol, protecting the rights of all eligible voters as the state assaults their right to participate. There's no greater example of the people standing together in the face of these threats than in this past legislative session. We join together to defeat anti-voter bill sb9 which would have seen simple mistakes on a voter registration application criminalized. And we also saw the attempted purge of tens of thousands of naturalized citizens. It's actions like these that truly demonstrate the need for corrective reform. Common cause Texas is in full support of this resolution that would make a stand against the actions states have done designed to suppress our vote.

[10:44:09 AM]

It's time to stop being the last line of defense in the fight against voter suppression and start being the first in line for proactive reforms like this one. It's time to just let Texas vote. Thank you.

[Applause]

>> Garza: Mayor?

>> Mayor Adler: Mayor pro tem.

>> Garza: Move approval of item 33 as amended.

>> Mayor Adler: There's been a motion to approve item 33 as amended. Is there a second to that motion? Councilmember Ellis seconds that motion. Is there any discussion?

>> Garza: Yes. I think the two speakers spoke eloquently to the history so I'm not going to get too much into that, but I did want to reemphasize that. Even despite the history of our voter suppression in this state, just this year, and this was mentioned, in 2019, the state tried to purge almost 100,000 predominantly Latino voters from the rolls. Thankfully that failed and it wasn't for lack of trying, it was so sure she could get away with it and

[10:45:10 AM]

they were Carol -- careless and got caught. Item 33 creates let Texas vote today on these -- it's the first Monday in November of each year. The way -- hearing concerns from my colleagues, and I too, I want to thank my staff for working with city staff, I want to thank city staff as well for trying to find a number for what a city holiday cost. The original intent was create a paid city holiday as is the case in other countries to allow people the opportunity to vote. But it's so hard to come up with that number, frankly, because of the way that things are coded and of the way if somebody has to work that day, they can bank that time and then it's hard to determine when they will -- if they decide to cash out that time later in their career, it's hard to determine what rate it would be cashed out at. So it's extremely hard to determine the cost of a city holiday because of all of this. But I share the concerns of my colleagues who express

[10:46:11 AM]

concern over that and I want us to get to a place where it can be as flexible as possible to allow our employees the time off on election day. Of course we want to encourage them to early vote and use whatever other means possible, but sometimes you only really have that day and if we allow that time to vote, I think it would be very helpful for our employees, but I also want with revenue caps looming, I also want to make that have the smallest financial impact for our city. Work to work with H.R. To determine maybe there's an alternative way to provide comp time that cannot be cashed out at the end and maybe that allows for more -- less of a financial impact for our city. So the amended resolution does not make it the paid holiday, but it does make it officially let Texas vote today on that November. It does add to our state and federal legislative agenda we encourage the state and federal government to make it a holiday because it is

[10:47:11 AM]

so important, as well as encourages our state to add a variety of other measures to their legislative agenda to encourage Texans to be able to vote. And I believe -- and encourages all employers and everybody in Austin to recognize this and to make it a holiday and for our city to let our employees know -- I don't know if that's a memo or citywide email encouraging them to vote and encouraging them to take the time off that our city through a current policy does not -- we allow it, but it's not a written policy and so this kind of makes the four hours or sufficient time, it changes the policy to that extent. But I appreciate staff working with us going forward so we can figure out a good way to proceed with the paid holiday portion of this. And I want to thank my co-sponsor, who I believe were Ellis, kitchen,

[10:48:15 AM]

harper-madison. Thank you.

>> Pool: I just was looking at the question and answer with regard to the cost. It looks like councilmember alter had asked a question from city staff and I wanted to ask city staff was it the human resources or the payroll office who may have put together -- there she is. So we are looking at what the cost might be and I'm looking at the numbers that you pulled together, Ms. Hays, for -- to make the day a holiday. And you did provide us with some information. Is that right? On costs?

>> Yes, correct, Julia Hays, director of human resources. We did respond to the question. What we tried to accomplish in providing the answer is explaining that in our current pay system when an employee has a holiday, they are paid for that holiday. But in addition to that, if an employee works that holiday, our current system has three codes by which we capture that time. Hpy which pays it out and

[10:49:17 AM]

eve used by police, and e2e used by other departments. Those three codes help us identify who gets paid out and who gets comp time for those hours. We also included in the documentation, the budget office worked with our sworn population to estimate some potential costs for backfill. Those are estimates so say that if those sworn in terms of those needing to have backfill what the potential costs would be and that's what we provided you.

>> Pool: And you based it on a holiday, a paid holiday that was this year?

>> Correct. The information we provided you was based on the actuals from our July 4th date. But I do need to explain that in that information we provided you, all of that is not immediate payout. If you look

at the information we provided, the hpy code is the amount of money that we actually paid out. And so in the narrative that I provided you ahead of time, what we found is that there were 42,960 hours

[10:50:18 AM]

coded within those three for that particular day. Of those that were coded that way, we paid out the 163,000 was actually paid out on the next paycheck T remaining hours, while we provided you the value so that 36,090 that you see in the middle column represents the hours of e2e and eve, which means they were not paid out on a check but received comp time. We provided you value to what that comp time would be not knowing for sure when that time would be used. Secondary to that, we provided you the backfill potential costs for sworn. That total cost while it be 2.2 million, the total payout would be around 986,000, and that represents a backfill cost and the actual hpy paid out cost.

>> Pool: That's great. And then just traditionally because I've worked in government at various levels most of my career, I

[10:51:18 AM]

remember when state employees, for example, when I worked at the state were given -- granted through state legislative action two hours for voting. Is that right? Do you remember how long has it been since the city of Austin has offered the -- the two-hour leave, which I think is our current policy.

>> Yes, we do administer based on the state legislation at two hours. I'll ask staff to see how long that's been in place. We have tried to continually send out information to the departments encouraging the time off, and we've use lied the abl corrode for that. So we are very prepared to transition to encouraging up to four hours depending on the employee situation, not only for early voting, but they can also use that for election day and for runoffs if those. I don't know how long we've had it, but we've continued to enforce it and will encourage employees to do the same through the same communication through the city manager immediately following this council meeting.

>> Pool: That's great. I just wanted to shine a

[10:52:18 AM]

light on the work the city of Austin has done in support of their employees, we cannot dredge up in our own minds how long it's been. I appreciate you putting the pencil to paper to get us some numbers so we could see what the financial impact was, and also so that our employees and the community understands how much we value them being able to take the time to go and vote. Because it really, really is important.

>> I do want to remind you, if I could, councilmember pool, we're also committed to this election day doing a special reporting code in addition to adl so track actual usage of those using this opportunity so we can give you a more informed decision as to the actual usage of this opportunity. We'll be happy to provide that information through the city manager's office.

>> Pool: That's great. Thanks so much, Ms. Hays.

>> Renteria: Mayor?

>> Mayor Adler: Council harper-madison first.

>> Harper-madison: I don't have any questions. If you will humor me, I just

[10:53:20 AM]

wanted to acknowledge the educator enough to bring these scholars into this room. I really appreciate you all being here today. I would also like to say thank you for your leadership on this item, mayor pro tem. It is this very topic that got me sitting on this dais today back in 2015. I headed somebody say low-information voter. And it made me mad. And my mom used to say if somebody says something and it makes you feel a way, it's probably because it's about you. I realized in that moment while I always took the opportunity to vote, mostly out of guilt, people said you got to do it so I did it, not that was a way informed. I was a low-information voter. And trying to make myself a highly informed voter was basically a part-time job. I think that barrier is intentional. I think the powers that be,

[10:54:21 AM]

excuse me, I used to make fun of people with allergies, but now I have them. I think the powers that be don't want you to participate. They want it to be cumbersome. They count you on not participating, and if you do, you just check boxes and don't pay attention. So I really, really want to encourage the young people in the room to not just check boxes. When you dive into this system, especially at the municipal level, they call it down ballot, you get down in the bottom of that ballot because these people sitting up here, that's where you vote for them. Down at the bottom of that ballot at the municipal level, those are the things that affect you the most. So I really, really encourage my colleagues and I to keep this dialogue going and thank you again to the educator who was adept at bringing those students out. It's very important rooms like this have people that look like us in them and at the table. Thank you again, mayor

[10:55:21 AM]

pro tem.

[Applause]

>> Mayor Adler: Thank you. We have an additional person that signed up to speak on this item 33. Is Chris Harris here?

>> Renteria: Mayor? I just wanted to say that, you know, voting is very important. I marked a day this morning down from -- down congress avenue to the capitol with lulac, the national lulac organization, and our message was that voting is very important. You've got to go out there and register and vote because that's what makes our democracy strong. And I encourage all young people. You know, Texas has a law that all high schools are supposed to register all their 18-year-olds, but a lot of these schools are not taking advantage of that. And that just is a shame. So I want you to make sure when you go back and ask

[10:56:23 AM]

your children is the school going out there and register you and then if they are not go back to your school district and ask why not.

>> Mayor Adler: Thank you.

[Applause] Mr. Harris, you have three minutes.

>> Thank you for the unit the to speak. Chris Harris, district 4. Just very much in support of this resolution. And highly encourage the city to find a way to make this happen and fund this effort to create a city holiday. We are, you know, we have politics in our country today that's held hostage by a party that clings to power on the basis of dissuading people, keeping people from voting, discouraging people from voting, kicking people off voter rolls. Literally they haven't won a national election in am two decade whether it's for president, the senate, the house if they cling to power on this basis of keeping people off the rolls. Part of that is in

[10:57:24 AM]

accessibility of voting and the lack of there being a national holiday to vote. So unfortunately that leaves as it leaves so many problems in our local communities up to city government. And so this is an area where you all can make a big impact in ensuring that as many folks as possible are able to access the polls and vote, and I highly encourage this effort and really appreciate what this resolution lays out in terms of the systemic ways that voting has been discouraged, and again, people have been kept from the rolls and obviously there is a long, nasty racial history of doing that on the basis of race. And so it's -- every opportunity that any level of government has to increase accessibility to the polls and assure that people have the ability to participate in our democracy, needs to take it. So however the city can

actually make this happen, I really hope you are able to do that and make this effort work. And thank you so much for pursuing this, mayor pro tem

[10:58:25 AM]

Garza. Thank you.

[Applause]

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Thank you, mayor pro tem, for your efforts on this item. I'm excited to see how this has evolved, and to councilmember harper-madison and councilmember Renteria. Mentioning the high schools reminded me in my district we do voter pep rallies in district 6. We've done them two years. We get in partnership with the principals. Every senior in the high school goes into the gym, this year we had the drum line and the league of women voters. And we had tons of kids get registered to vote. We brought in state representatives and county commissioners to teach the kids what's going object on the ballot. We're not telling them how to vote. This year we got to educate them on the brand new voting machines. It's a good program and I would encourage all my colleagues and anywhere in the state of Texas to consider the voter

[10:59:29 AM]

>> Mayor Adler: Okay, thank you.

>> Mayor, I wanted to quickly respond that this -- there has been a lot of work done by our city, but these changes actually codify and expand what some of what is allowed right now. I also want to point out while state law does allow time off, it only does so if the employee has -- it does not if the employee has at least two consecutive hours to vote outside of voting working hours, which essentially means if you get off at 5:00, you have two hours to get to a poll, so you don't get that two hours off according to state law. So I'm excited about this work. I appreciate the coding to determine usage, but I also, I want to point out this isn't just about usage by our employees, it's about a culture. You know, I think it's creating a culture that this is an important day, that election day is an important day, and I think there's value in that. We sit up here from a different

[11:00:30 AM]

perspective. Obviously up here were active voters. I'm sure many of you out there in this room are active voters. But I was raised by parents that walked me into the polling place and helped me pull that

little thing, and there are so many kids in the city, in the country and the state that don't have parents like that, because many are working three jobs to be able to afford to live here. I think this is creating a culture of the importance and value, and there's value in that, too. So I hope any report back from staff also takes into account what that value is. When your city says something is important, that means something. And that means that you create a good culture and a constant culture for people who don't get that message from somewhere else, who don't get that message from parents or family members. So thank you all for supporting this, and I'm assuming it's going to pass and the staff and I look forward to working with you to create that culture.

>> Mayor Adler: Okay. We have a motion and a second?

>> City manager also asked me to

[11:01:30 AM]

point out the differences. As amended from the dais, the main difference, because there was an addendum of changes, it's on page 9, we've taken out the part that makes it a city holiday and we changed that to -- I don't think I need to read it, but just directing city staff to analyze and bring back some options. The other change is -- let's see. I don't think that's changed. We took out on page 11, lines 95 and 96. I think those were the only changes. Yeah, those are the changes.

>> Mayor Adler: Okay. It's been moved and seconded. Any discussion? Those in favor of these items? Raise your hands. A couple of housekeeping things quickly. We need to go back into the

[11:02:30 AM]

Austin housing finance corporation meeting just to put something on the record. So I'm going to recess the city council meeting here at 11:02, reconvene the Austin housing finance corporation meeting here on October 17th, 2019. City council chambers, quorum of the board present. It's 11:02. Just for the record to be really clear, item number 3, which we approved on consent, what we were approving is the withdrawal of item number 3 as we had announced earlier in changes and correction, as opposed to actually approving item 3. We were approving the withdrawal. Does anybody have any concerns with that? Okay. So that was the intent of the -- do you want us to vote on it again?

>> I think it would be helpful to have the record clear. Austin housing finance corporation, three items, number 3 as being listed as withdrawn, and you can approve items 1, 2 and 4.

>> Mayor Adler: We've approved 1, 2 and 4 clearly, we're going

[11:03:31 AM]

to reconsider item number 3, just to make clear. Is there any objection to reconsidering the vote on item number 3? Hearing none, we're going to reconsider that. Item number 3 is now being withdrawn.

>> Correct.

>> Mayor Adler: Because it's being withdrawn, we're not going to take a vote on the merits of item number 3.

>> Correct.

>> Mayor Adler: Okay. With that said, we are done with our Austin housing finance corporation, at 11:03, the meeting is adjourned. We are now back at 11:03 into the city council meeting here on October 17th. One thing I want to do that I messed up on, and I can't fix this, but I'm going to note it. This morning when we had grand Rapids here, and I introduced my friend the mayor, I was just about to introduce our friend Dr. Washington, who is the city manager in Grand Rapids who was here in the back of the room. The reason I didn't do that is I

[11:04:32 AM]

had thought that our moment of contemplation personas not here, and I was going to ask Dr. Washington to give us the invocation, and at that point I was going to introduce him. But when the person was here, I got taken off that. So Dr. Washington was actually in with us, and left. But for what it's worth, Dr. Washington, wherever you are -- [laughter] -- I wanted to say welcome, welcome home. From everything I hear, from the mayor, and we have other friends, long-standing residents of Austin that are now living in Grand Rapids, Dr. Washington is much loved in that community, and just doing an incredible job. So let's applaud to Dr. Washington here for just one second.

[Applause]

>> Mayor?

>> Mayor Adler: My apologies we didn't get to do that earlier.

[11:05:34 AM]

>> Garza: I meant to recognize my staff, Cynthia, who did major work on item 33. I encourage you to read item 33. It has an amazing history of voter suppression in our country's history. She did an amazing job of putting this resolution together. So thank you to my staff.

>> Mayor Adler: All right. Thank you. All right. So we've now taken care of 8. What about 11 and 41? Are we in a position to take care of those?

>> Neighborhood housing community development, those were postponed earlier, until October 31st.

>> Mayor Adler: Okay. Both those?

>> Both of them.

>> Mayor Adler: So item number 41, we had -- that's postponed also?

>> Correct. They're companion items.

>> Mayor Adler: Okay.

[11:06:38 AM]

What about item number 37? I'm looking here. Item number 37, we've taken care of that one. Sorry. What about audit plan number 35? I don't know if someone has an amendment to this. I heard that somebody on our dais might be making a change to the audit plan. I don't know if that's true. Audit plan is item number 35. Let's call that up. Is there a motion to approve item number 35? Council member Flannigan makes that motion. Seconded by council member ka sar. This came in front of the audit, and finance committee. And was thoroughly discussed.

[11:07:39 AM]

We went through both the things that were on that, as well what the goals and objectives were and how she was choosing those. We have people signed up to speak on this. Let's call them first. Chris Harris, do you want to speak on audit and finance plan? Are Gabriel Johnson and sue here? You have seven minutes.

>> No worries. Thank you for letting me address you again. My apologies for my repeated appearance up here. And probably one more. So I'm speaking to support adding a little bit of work to the auditor plan, specifically around the management of the process for helping to select and vet members of a new reconstituted review panel. As most of you know, when you

[11:08:40 AM]

walked away from the negotiations after the council back in December of 2017, their contract at that point went away and the civilian panel which was a by-product of that contract went away as well. When the new contract was approved by this council last November, the review panel was again part of that. However, it has not been reconstituted as of yet. So we have gone almost two years without kind of a second leg of our civilian oversight regime of police, which is the civilian group panel, which is

charged with taking certain critical incidents as well as instances where the complainant would like to kind of have a secondary review of the chief's decision. And it's a panel of civilian volunteers that has some access granted to it through the contract process with the city

[11:09:41 AM]

and the police union, to some of the investigation files. Such that they can write a report and make a recommendation as it relates to the outcome of that complaint, and potential officer discipline. And so it's an important component of our civilian oversight of police, and again, we've gone almost two years now without this body. We think that change made in the contract will help make the civilian review panel even better than it was before under the old agreement and we think that having the auditor take on some of the process of vetting the new members will give that civilian review panel an additional layer of Independence that we think is really important to ensure that it's able to do its work in the manner that it sees fit. Obviously in compliance with city rules and the contractual language agreed to by both the city and union. And so I think what we're looking at here is a fairly minor kind of tweak to the auditor's work plan for the year, simply allowing them to take the rules and get

[11:10:42 AM]

established for who's going to be -- who can be a member of the civilian review panel and do the vetting process of the applicants that apply to make sure that they meet whatever those criteria are. So again, really support this, as a means to both get our civilian review panel up and running. Particularly to do it in a timely fashion. You know, in about two years, maybe a little over two years from now, the city will reenter negotiations with the police union. If we don't have a sufficient amount of time with the new civilian review panel, we won't have enough information to know whether or not we need to make additional changes, and as a city in those negotiations. It's very important we get this done, and get it done quickly. We think the auditor, especially given their great work in setting up obviously the system that we have now, as far as council, is the right choice to help manage the process of vetting the folks that apply, and to get on there. So, thank you for your time.

>> Mayor?

>> Mayor Adler: Council member

[11:11:44 AM]

Casar.

>> Casar: I'm ready to present potential solutions, but I know we have a second person coming up.

>> Mayor Adler: Let's have the second person, David king.

>> Thank you, mayor. Mayor pro tem and council members. I support the audit plan, but I would ask that you consider adding another audit plan -- or request for auditing the -- all of the displacement prevention, displacement mitigation and stay in place program. Not to call them out and say they're bad and shouldn't be doing them. Not at all. But for the opposite reason. To say, do we have sufficient resources, what is the scope of the problem. And do we have enough staff resources to make sure that we're applying those resources effectively and efficiently to help prevent the displacement of as many people as we can. That is the goal of these programs. So that's all I'm asking for.

[11:12:44 AM]

These are new programs. A lot of money has been put into these programs. A lot of staff -- I hope that staff has been added. That is a recipe for problems to occur when you're moving so quickly. So I'm asking that it be done to help nhcd, neighborhood housing and community development, not to call them out, but to help them and to help our city and to help this council achieve the goals of these policies. That's what I think is important. And that's why we need to do this. And in terms of the scope of the problem, I think it's important to understand that city data shows that 232,896 households in Austin are at risk of displacement. Let that number sink in for a second. That's a massive problem. And I think it's only fair that we understand what that problem is. The scope of that problem, and the amount of resources we're going to need to make a dent in that problem. That's why I'm asking you to do

[11:13:45 AM]

this. I believe this is one of the top priorities for our city. And thank you very much for all the work you're doing to try to help prevent displacement and still find room for new folks who want to move here. Thank you.

[Applause]

>> Mayor, could I call the auditor?

>> Mayor Adler: Yes.

>> Because this is a new issue to the dais, at least we didn't talk about it at work session, what I've talked about with the auditor and the office of police oversight is if it would be possible for us to pass the audit plan today, and I've discussed this with the manager, and bring back on 1031, an item for the manager to potentially add this collaboration between opo, the manager and the auditor for us to choose whether to add this to your work plate or not on 1031. My understanding is that this is the kind of work that you all would be capable of doing, but you guys want between here and 10/31 to work with the manager

[11:14:47 AM]

and opo to what to add to the work plan. Manager, if we pass this, could you bring back to us on 10/31 an item so the council can decide whether or not to add whatever y'all come up with to the work plan that day?

>> So appreciate that, council member. I think we'll have to work through the mechanics, if it's something that comes from council, or if it's coming from the auditor. But we will discuss what the options are that you can consider.

>> Is there a way for us to pass this plan? Maybe for the city attorney? But then for you to just repost this item for 10/31 if we need to add to it on that day? Is that possible?

>> It's an amendment plan.

>> We would just pass the plan and approve it, and on 10/31 to add this to it at our option.

>> You can always amend the plan, yes.

>> In the past we've routinely amended the plan, to add a project, just as risks come up,

[11:15:48 AM]

there might be something that pops up as more critical than other things that we talked about doing.

>> I think we can accommodate that. Let's put it back on the agenda on 10/31.

>> And my understanding is that if Europe's not given the whole process, but primary things like vetting or giving a recommendation of members, that that doesn't add too much work, so we wouldn't necessarily have to displace a whole lot.

>> Correct.

>> I think that that -- my hope is that something that's something you can work out. Then I'm good with it.

>> Mayor Adler: Okay. So what number was this? 35. Yes, council member P harper-madison?

>> Harper-madison: Would you say what opo is?

>> Office of police oversight.

>> Harper-madison: Thank you.

>> Mayor Adler: Okay. So item number 35, has there been a motion? And a second?

[11:16:49 AM]

Let's take a vote if there's not further discussion. Those in favor of this item 35, please raise your right hand. Those opposed. It passes unanimously on the dais. With council members alter and tovo off the dais. Let's do item number 38 quickly. This is a public hearing on affordable housing project. Is there a motion -- this is a public hearing. We have no one signed up to speak. Is there a motion to close the public hearing? Moved by council member Renteria. Seconded by mayor pro tem. With no objection, the hearing is closed.

>> There is an associated resolution related to the tax credit application and private activity bond for this particular project, 163 units in district 2.

>> Mayor Adler: Is there a motion to approve the resolution? Mayor pro tem makes that motion. Is there a second? Council member harper-madison

[11:17:50 AM]

seconds that motion. Yes?

>> Just so the record is clear, there's been a type of the words to the folks in north plaza has been removed.

>> Mayor Adler: Great. Those items -- those words were removed. Any objection to those words being removed? Those in favor, raise your right hand. Those opposed. It goes ahead and passes. All right. I think that those are all the things that we can take up this morning, except for the an I mal issue. I'm going to call now people to speak on that item. It is item number 25, and we have 17 people signed up to speak. Let's see if we can hear that before lunch so they don't have to wait over. I'm going to call for the speakers. Craig nazer. Is Craig nazer here?

[11:18:51 AM]

Okay. What about Kevin horeka? On deck will be Sandra Mueller. Is Sandra Mueller here? Sandra Mueller? No? What about Rona distenfeld? I think we have more people coming into the room. Why don't you start and I'll call the names again.

>> My name is Kevin, I'm the lead data scientist at artificial intelligence office in downtown Austin. I'm a researcher and a doctor of neuroscience. I'm speaking in my capacity as a volunteer. It is my first time speaking here. Myself and a data scientist intern from Harvard conducted a study for the approximate supply of near-adoption ready dogs in Travis county homes with published data sources from Apa, and the abma, U.S. Census and

[11:19:54 AM]

private shelter organizations. The findings may be germane to item 25, I felt it was appropriate to deliver some of those findings to you so that you may make an informed decision as possible. I've submitted an executive summary of these findings for your convenience, and would like to highlight key findings 2 and 3 in the summary, which I'll read to you now. Please note the key assumptions of this study are listed in this document as well, and I encourage you to read them. Number 2 reads, quote, there is a gap between projected supply of near adoption ready dogs and capacity such that there may be more potential adopters available. I would like to note this is about animals with low length of stay which cycle in and out of shelters quickly, not long stay dogs who are difficult to place in appropriate safe homes. Number 3 reads, this gap could be as large as 5 to 1, assuming 70% of households whose pets die want a new pet, and the supply numbers are not rising as fast as population growth in the

[11:20:56 AM]

city. Recent survey data of Denver found that 94% of the 86 surveyed respondents reported that they would consider obtaining their next pet from a shelter or rescue organization whereas the American humane society 2012 survey, only 66% of dog owners responded this way. The numbers over the 69-month public available period of data are not significantly increasing, and adoption numbers are significantly increasing over the same period. APCA and census data added to this, these findings hold up. There are concerns about 3-1-26-d in reference to the notice to require -- requirement to notify rescue organizations for visibly pregnant animals and that this may be increasing our population in a dangerous way. I believe the evidence I just presented to you shows that litters of easily adoptable puppies would not be a burden on the system and in fact providing the kind of supply of animals that there seems to be a large capacity for in the city.

[11:21:59 AM]

Thank you.

>> Mayor Adler: Thank you. Craig nazer? Why don't you come on down. Is Kevin hareka here? Still no? What about Sandra Mueller? I'm sorry. Is Sandra Mueller here? You need to sign up. Okay. Are you Carey Sullivan? What's your name? Okay. All right. So we'll get you then later when we get to you. Is Rona distenfeld here? Why don't you come on down. You'll be next. Go ahead.

>> I'm the district 7 appointee to the Austin animal advisory commission. And I'm here to speak in support of these ordinance changes. We have looked at these twice,

[11:23:01 AM]

and from what I can see, these ordinances are basically codifying things that we already do, and we just want to make sure that we have a firm basis where we're standing as we move forward, and coming up with better and better ways to deal with animals in the city of Austin. There are some controversial issues here. One concerns cats. And it is my opinion that that would be much better to deal with that issue as a separate issue. What we've done is put one change in here to help us better capture data. It is extremely important that when we make changes to ordinances, because we're a big city, and growing city, we have a big shelter, and we're kind of in new territory because we are the largest no-kill shelter in the country, that we -- we're very careful when we change an ordinance, that we don't put an extra burden on our animal

[11:24:03 AM]

shelter, which can take them -- cost them a lot more time and money to make the changes we ask. So the best way to go about this is to capture the data first, and make some decisions based on the data. So as far as the cat issue, we have put in a change to capture more data, and that issue is now scheduled on our agenda to come up for a thorough discussion. The other issue that we're very concerned about is the issue with the emergency vets, which take animals at times when the shelter's not open. And as far as consulting with the lawyers we had, and the vets that we have, that the changes we're making should not affect our agreement with them at all. And if there is in I kind of change like that, we have a contract with them, and we can look into that further. But there doesn't seem to be any

[11:25:04 AM]

issue we could find with that. So I would very strongly recommend that you pass these ordinance changes as we have submitted them to you. Thank you.

>> Mayor Adler: Is Ryan Clinton here? Why don't you come on over here. You'll be next. You have time donated, Mr. Clinton, from Maggie Lynch. Is Maggie Lynch here? So you'll have five minutes. And you have time donated from Wickhams. You have seven minutes.

>> Thank you. Austin is rightfully proud to be a leader in no-kill. But that has to be more about than just the numbers. Austin has a responsibility to the animals in its care to ensure that they are treated humanely and with the best practices. This must apply to the rescue partners, Austin relies on, to achieve its no-kill status as

[11:26:05 AM]

well as what happens when they're at the Aus animal center. They're not meeting this standard. Shock collars have become a regular part of training with dogs in their care. The story that they're only used on dogs for whom all other training options have been exhausted is men dashes, as the only methods Apa uses are force and punishment based. And now many dogs who are not at risk for euthanasia are being trained with these methods. I submitted a document earlier to be put on screen. Here we go. Showing some examples of dogs being trained with what Austin pets alive euphemistically called remote collars. None of these dogs are at risk of euthanasia and yet they're being trained with shock. To say that -- where am I. Apa is now also having volunteers and doctors use these methods, in addition to other force and punishment methods

[11:27:06 AM]

such as prong collars and what they refer to as pressure and release. And are spreading these condemned methods throughout our community by offering their version of this training, and insisting that doctors use shock collars in the home in order to adopt a specific dog. Independent scientific studies of punishment, balanced and positive-only training has proven that positive-only is the fastest and most effective, while punishment is the slowest and least effective. Dogs trained with shock collar show the stress of the punishment even after they learned to comply with cues like sit. Shock collars have also been shown to increase aggression. By using these methods in their rescue, Apa is putting dogs more likely to be aggressive out into our community. Shock collars have been banned in 11 European countries, Canada and Australia. They have been condemned by the American veterinary association, the association of veterinary

[11:28:07 AM]

behaviorists, the association of professional dog trainers, and 11 other professional organizations and the united nations. Apa is further traumatizing dogs who are already in a survival state. This is not humane. This is not the most effective. This is not necessary. This is animal cruelty, and Austin cannot continue to partner with an organization that proudly claims to have used shock collars on over 1,000 dogs, because they think it's the fastest way to get them out. This was told to me by the co-managers of their behavior team. The science shows this is not true, and just because they lack the knowledge and skills to use any other methods doesn't mean they should be allowed to continue this abuse, especially when they are headquartered on Austin city property. World renowned trainer Ian Dunbar says, quote, to use shock as an effective dog training method, you will need a thorough understanding of canine behavior, a thorough

[11:29:07 AM]

understanding of learning theory, and impeccable timing, and if you have those three things, you don't need a shock collar, close quote. By putting shock collars in the hands of their volunteers and barely paid staff and encouraging adopters to use them, after short training periods, they're not meeting any of these standards while using these punishment based and abusive tools. Aac must stop releasing dogs to Austin pets alive if there is any chance they will be subjected to this abuse. Austin has a moral, evidence Cal and fiduciary responsibility to not allow these condemned practices to continue on city property occupied by Apa. I'm happy to share a report done for the British Columbia rspca on the science I've cited with anyone who is interested. Apa's behavior's team was not. Thank you.

[Applause]

[11:30:13 AM]

.

>> Mr. Mayor, I'm Ryan Clinton. I can only speak for myself today. I'm not going to revisit all of the conversations and all the talking points that we talked about last time because I know your time is critical, and so I'm not going to rehash things I've already spoken to about. I just want to mention two things. One, the notice and the process seem to be the biggest issue that people had last time we were here. I wanted to let you know that we posted this very clearly on the agenda of the animal advisory commission. We also posted as backup materials in the publicly posted information in the pack of materials, the proposed changes, both the council's version of the proposed changes and amendments that were proposed that night. We did make one more amendment, but that was in response to citizen communication that day. So everything was posted. We had a very long meeting where we walked through the proposal step by step by step. We took votes on amendments. We took lots of citizen input.

[11:31:14 AM]

And I just want to let you know that that process was very public, very open and we voted on it at the end of it, and these amendments did pass 9-2 at the commission. I also want to thank council, council staff, city staff, at the shelter and also the commission itself for the delivery of the process that this went through. It went through a lengthy process. We met with many council offices. We worked and got feedback from each of them and tried the best we could to address any concerns that council had. Last, with respect to -- there are going to be complaints, as you just heard, from things that are not directly at issue in these code amendments, and our goal -- our view from the commission -- again, I can only speak for myself, but we talked about at the commission, let's talk about those things. If there are complaints about the city's snr program, let's have a robust discussion and talk about it. And if we want to make recommendations for changes, we will. There are a lot of things you'll

[11:32:14 AM]

hear about today that are really not directly related to code amendments, and I think people are just attacking the code amendments because it's an opportunity to be heard. Which I understand. But I think it's important to pass them as they are, and then at future commission meetings we'll address the additional concerns. If you don't have any questions, I'm willing to yield back the remainder of my time.

>> Mayor Adler: Ellen Jefferson? Dr. Jefferson, you have time given by Kimberly Sweeney. Is Kimberly Sweeney here? Give it to the clerk, please. Is Kimberly Sweeney here? No? What about faith Wright? Yes? What?

>> She would like to speak instead of donate.

>> Mayor Adler: You have three minutes. You might let the clerk know that so that I call you.

>> Thank you. I'm Ellen Jefferson, a veterinarian, and the executive

[11:33:16 AM]

director of Austin pets alive. My concern about the code amendments is really about how our two organizations work together to create a no-kill city, and the sustainability of that no-kill city. The most important way we help aac, Austin animal center, I'm sending around a document Na you can see, is by taking animals who have already been chosen for euthanasia at Austin animal center, and we take roughly one out of five of all the animals that come into the city shelter. Because of the model of focusing on the ones that are already slated for euthanasia, we know which animals exceed the city's resources, how to save them and we keep data on their outcomes. Greater than 60% of the medically urgent cats that would be euthanized without the rescue access portion of this amendment are saveable. We need this measure to be passed because while rescue access isn't already an internal sop of the city shelter often gets disregarded for various reasons and that results in

[11:34:16 AM]

unnecessary death at the city shelter causing a lower live release state for the city. None of the amendments are new as you heard earlier and it's simply ensuring these things continue and we don't have to key revisiting them over and over. I want to address one thing as a veterinarian, and that's the issue of rescue access to visibly pregnant animals. In vet medicine we technically call that gra individual. What would be codified as another ongoing sop, there's no change, just another one that often gets disregarded. And it's not mandatory that the dog has -- dog or cat has their litter at the shelter, it is just mandated that the rescuers can see they're there and have the access to pull them if they want to. This is a transparency issue that I think is really important to our city government. A couple of other points on that is, there is a huge difference between -- the overcrowding

[11:35:17 AM]

issues that we talk about a lot are really around meeting the margin of the dogs. What we've found over is a medium and large dog is a much more attractive to foster homes than one that isn't. So it actually saves the city money by giving us these animals, because they don't take up cage space. The city doesn't have to do their surgery. We end up doing it eventually. And they don't have to stay at the shelter for months on end and then hold up a cage that could be held for another animal. And the last point I think was made by Kevin, that there's data to support that the public wants these animals, if we don't -- if the city doesn't provide them, people find them somewhere else. And that usually means going to breeders which is against our ethos here. Thank you.

>> Mayor Adler: Thank you. Is Julie marquis here? How about Laura Donahue? Why don't you come on down.

[11:36:20 AM]

>> Good morning, council members. My name is Laura Donahue. I'm the director of mission advancement for Austin pets alive. I've worked in animal protection around the country, and native Texan. Was delighted and thrilled to join this effort because what's happening here is unlike of what's happening in a lot of places in the country. So many shelters achieve a no-kill status by creaming the crop. Here within the partnership, the Austin pets alive has with aac, it's a hand-in-glove partnership. It's a community no-kill save rate that is really achieved because the city shelter is the safety net for the citizens here for the entire city and community, and Austin pets alive can be the safety net for the shelter. And so because of that, we do take those animals on euthanasia lists, and that's why it's working out. I think it's really important when there's some spotlighting of numbers, it's really about E community partnership. Our commitment to saving those

[11:37:23 AM]

animals doesn't waver. It's important we codify what we're doing right now so we can make sure we only continue to improve policy and not reduce. Thank you.

>> Mayor Adler: Julie marquis? Come on down. Is Wendy Murphy here? You'll be next. Why don't you come on down.

>> Hi, my name is Julie marquis, and I live in district 10. I'm a volunteer at the Austin animal center. While I've spoken previously to the Austin city council during citizens communications, requesting four changes to the shelter program, snr, I'm here to address item 25 specifically. On behalf of aac volunteers, many concerned citizens and myself, the change requested is that kittens under six months

of age no longer qualify for the snr program. There are many reasons for this request. But I will focus on the following. At aac, kittens five months old

[11:38:26 AM]

and younger are treated very differently than other animals at the shelter. These kitten protocols include the following. Visitors must first fill out an online form before they can even interact with the kittens. Two, there's a lack of -- a lock on their kennels. Three, they aren't allowed to touch the ground. Four, fresh gloves must be worn when handling each of them. Five, you must wrap each kitten in a fresh towel or blanket. Six, they must be fed kitten food. If aac considers these kittens to be so fragile, and vulnerable as to require these protocols, how is it right that they are returning them to the street through the snr program. The word humane is not used enough in the nation's leader of a no-kill shelter. Please consider what is the most humane treatment of these kittens. Please support an amendment to item 25 that excludes cats under six months of age from going through the snr program. Thank you.

[11:39:27 AM]

[Applause]

>> Mayor Adler: Thank you. Is -- come on down. Is pat here? Why don't you come on down. You'll be next.

>> Hi. My name is Wendy Murphy, I live in district 4. I'm requesting two amendments to the ordinance as it stands. The first is part 4, section 3. The way that that is worded currently, it has three parts. The animal shelter -- the city manager must waive a fee assessed an owner reclaiming an impounded animal. If the shelter intends to destroy the animal or the owner submits a written statement with inability to pay or the animal is sterile. I would like to see that amended to where the sterilization is paramount. And so it would say, must waive

[11:40:28 AM]

the fee against an owner reclaiming an impounded sterile animal, if they intend to destroy the animal or the owner presents a written statement of inability to pay. The other request is for part 8, section 3. And that is describing the live release rate, how it's arrived at. The live release rate. Those words live release should be replaced by live outcome, and what actually the -- you know, how that animal ends up, instead of just that it was somehow alive when it left the shelter. As currently worded, this would include animals released alive, are impounded animals that were adopted, transferred to rescue, reclaimed by owner, released, or stolen. So we are using -- if they steal a dog from the shelter, we're counting that as a success basically. So that should not be in there.

[11:41:31 AM]

And then the animals with final dispositions are animals released alive and impounded animals that were euthanized, died in kennel or foster, missing, and does not include animals euthanized by owner request or court-ordered, but does not include animals in the shelter's foster system. We would like to change that to, animals that are reclaimed by owner -- I'm sorry -- animals that are missing, or that were never in the system. Animals that were ordered euthanized, that's the part we would like to have taken out of there. Animals that are ordered euthanized by the court or by request of the owner, that should not be in there at all. Those animals were never in the shelter. They were never in our system. So they should not be included in the calculation as to the success in the ratio. Thank you.

>> Mayor Adler: Thank you.

[11:42:35 AM]

Miss Wright? And then is Liz garasco here? You have time donated from izabel Meyer. Okay? David king. You'll have seven minutes when you go. Ma'am, you have three minutes.

>> Thank you, mayor. My name is pat. And I live in district 9. I have a handout that has requested amendments that -- 1 and 2, that Wendy Murphy just talked about and I'll have requested amendments 3 and 4. However, before I speak to those requested amendments, I am here to request that you vote no, or postpone, so that a full discussion of the letter by Dr. Stephanie Beardsley of central Texas veterinary medical clinic can be had before you pass this. At Monday's animal advisory commission meeting, there was a lot of confusion about what section of the proposed code

[11:43:36 AM]

changes this letter was talking about. Proposed 3-1-26b said that the city may not euthanize -- 3-1-26b said the city may not euthanize any animal without making a notification required by subsections a, 1, 2 and 3. This section that the city may not euthanize could be interpreted to mean that the city code is telling veterinarians what to do and when they can do it, in terms of euthanizing an animal, and it is putting veterinarians in a position of having to make a difficult decision whether to go by the veterinary code of ethics or whether to obey the city code. I do not think the city code should be used to tell veterinarians how to do their jobs. Whether it's the veterinarians

[11:44:39 AM]

at the animal center or a veterinarian at a clinic that the shelter contracts with. I would really like to see you have a complete discussion with someone from city legal, perhaps the county attorney's office, since the county attorney is also -- since the county is also involved, in contracting for these services, and have a veterinarian from the state veterinary license board or the medical association, or state veterinary medical association, you should not be put veterinarians in such a difficult position that they have to write a letter similar to the one that Stephanie Beardsley of central Texas I really appreciate what is trying to be done here. I appreciate the council's support for no-kill, but I also want you to respect veterinary decisions and get you an opportunity to discuss that fully. In addition to asking you to have a full discussion on that and postpone it, if you

[11:45:40 AM]

do decide to move forward, I'd like you to remove 3-1-26b. The amendments that I have passed out, number 3 and number 4, those deal with?

[Buzzer sounding] You'll see them in writing. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> I've never used this before, so. . . Okay. Liz Crosco, I live in district 9. I'll take a few minutes to speak on behalf of Sandra Mueller who couldn't be here, she volunteered and mentored for Apa for six years and volunteered for aac for two. Commissioner Clinton said these proposals came from council. Councilmember pool said these proposals came from animal advisory commission. Dr. Jefferson referred to

[11:46:41 AM]

these as ours, meaning Apa. During the September 19 council meeting commissioner Clinton said these proposals came from a plan passed in 2010 and Dr. Jefferson said these have been part of the 90% resolution ten years ago. The no-kill implementation resolution plan is a draft email. Here's the backup. So why the rush now ? The reason these items were pushed through was to have it enforced before the new chief animal services officer started his job. Proof is in the 2019 animal advisory meeting. These proposals should be worked out with our new chief animal services officer. Sops for current issues, not 10-year-old dreams. All of these proposed amendments should be sops, not city law. Part seven of the proposed charges -- changes is a new code suggestion entirely.

[11:47:41 AM]

Often referred to as capa, the aspca does not recommend requiring placement to rescue as a matter of law. Part seven allows dogs with bite histories back into the community. It's about not trusting our veterinarians to make humane euthanasia decisions. How are you okay with prolonged suffering of injured animals often transported between shelters and volunteer cars. Part seven should be applicable to private shelters, especially those under license agreements with the city. Apa declines many dogs and sent them for -- declined many dogs sent to them for behavior training. Per capa private shelters should be subject to this law. Section D in its entirety should be removed until there are a shortage of adoptable animals. All shelters should be supported in their decision to spay a pregnant female. Some medical conditions make

[11:48:41 AM]

a female appear visly pregnant. Also if she's actually pregnant is she old? Is she healthy? Has she been impregnated by a brother or father? The dog here has Cushing's disease, this cat has another disease. Apa offered to take her puppies away but agreed to have her euthanized. Another small rescue stepped in to save all of them. Is it because Apa wants to sell puppies for a few hundred dollars? Here's proof. Regarding section 12 and 14 of part eight are not fact nor data so, therefore, should be stricken. Private shelters should also be subject to reporting requirements of Dr. Jefferson wants this data codified. The organization Apa should be required to report the exact same way, especially since they intake animals from outside of Austin and the surrounding five counties. Two backup documents were included. A letter from the vet and

[11:49:41 AM]

the emergency clinic on Monday. None of the commissioners had any idea why this vet sent this letter. The letter was sent over a week ago and nobody reached out. Only suggestions to contact were made that meeting. I spoke to her. I don't know why any of the people on the commission couldn't. Councilmember harper-madison's commissioner spoke up, voiced concerns about language, change why she suggested the vet wrote the later to other commissioners voted against the reason. These issues should be addressed before you pass these changes. Is the city really ready to have no backup emergency clinic? Like I said, I had a discussion with her, and why would the city question a decision made by a specialty vet? The chair of the animal advisory commission clearly stated on Monday that he is not comfortable with the process of this issue, with the due process. Commissioner Clinton and

[11:50:43 AM]

Ellen Jefferson keep saying this only codifies current practice. Where is the proof and backup of this? The two keep repeating that, the definitions included have only been moved in the document, which is not true. Two oft definitions rebater even in the city charter. The chair confirmed this to me. The only definition that is in the code is the language -- it has been moved and the language has been changed. Stolen dogs being considered a live outcome and reported as such is wrong. Commissioner Clinton has no proof but says these dogs are dogs stolenly fosters. Stolen by fosters, you want to codify unethical standards? Clearly the city has a terrible vetting process for foster. This is what this proves to the community. Do not vote on this today. Send it to health and human services. You owe it to animals and this country since we are looked up to. Especially because you included don bland's letter

[11:51:43 AM]

as backup to this issue. This alerted everyone of your unethical procedures of snr of kittens and friendly cats. Let's discuss this and codify code accordingly. These cats that go to the emergency vet clinic don't even belong to the city yet. So I'm not even sure why you would want to impose your policies on that. I think it's so you can boast about a number. In regards to severe injury definitions, have you spoken to surgeons who have operated on victims from dog bites? And how can you prove that your definition is in agreement with what they see? Thank you.

>> Mayor Adler: Thank you.

[Applause] Is anybody else signed up to speak that has not been given a chance to speak? Come on up.

[11:52:45 AM]

>> Good morning, mayor, councilmembers. My name is faith Wright. I am the former operations director of Austin pets alive and now the shelter management advisor for American pets alive. I'm here speaking just to counter some of the previous testimony that you've heard. I'd like to first say that Apa approaches every dog as an individual. There's no one size dogs fit all and no one type of behavior treatment for one size fits all for dogs. We are transparent with our actual data. Every year we post our shelter animal count on our website and it has intake outcome, adoptions, euthanasias, all of that stuff on it. Our techniques fall in the least intrusive, minimally aversive framework. This is supported by professional training organizations. For dogs in the shelter it is imperative that we see the big picture and understand that time is always of the utmost importance when working with them and helping them overcome behavioral challenges. On the topic of remote

[11:53:45 AM]

callers, we believe we need to counter the previous speaker about this. The allegations were not true. In the last 12 months Apa has pulled 1900 dogs from Austin animal center, and only 18 of those dogs were trained on a remote collar. The use of remote collar is controlled and only performed by highly trained persons within the organization. The dogs are reevaluated consistently to determine if they even need the collars anymore. This method is only used on dogs who have previously been in a home and returned to us for behaviors in the home that were not conducive to living in home. This is actually their only chance to make it out of the shelter again, is to have some of the remote collar work and immediately get downgraded as soon as. Thank you very much for your time.

>> Mayor Adler: Thank you. Anybody else signed up to speak? Come on.

>> I don't know how my name didn't make it but did I sign up, she wily Liebman, lived in Austin for 20 years, own a business and live in district 1.

[11:54:46 AM]

I've been a active cat volunteer at the shelter since December of last year and I have to say I absolutely love volunteering there. I spoke to you last month about the shelter and the return program for pets and I'm back today to focus kittens. If you decide to pass item 25 I ask you to support a amendment that removes the kittens from the snr program. I denied understand what Austin does to its no-kill members. Ignorance is bliss. That's how I feel about the kittens. Kittens younger than six months, sometimes barely three months, have gone through this program and placed back in dangerous intersections with no known caretaker. One kitten in particular was found at a Walgreens at slaughter and mopac, that's where it was returned. When concerns were raised about this dangerous location here was the response. Many of our snr release sites are approximate to a road that see a lot of traffic. How sad for that kitten. To me that who are than 100

[11:55:46 AM]

residents of the city and county that's not acceptable. Our own website for the shelter shows that 67% of kittens who live outdoors will not survive to five months. They'll die of starvation, disease, hit by a car or killed by predator. So far in 2019 the city has released over 150 kittens under six months of age. Using the data that they use on their own website, as many as a hundred of these probably won't survive. While I appreciate the revision made to item 25 by the advisory commission to report on the numbers of the kittens going through snr we already know it's 150 so far this year. You can get that number off the data portal in just a few minutes. It's not something we have to force them to compile. It's easy to do. As I said earlier ignorance is bliss. Maybe a lot of you didn't understand that kittens go through this program. I know you all try to do the best you can with what you know. You have a lot of issues facing the city. And for us, when we implemented that no-kill

[11:56:47 AM]

plan in 2010, that was almost ten years ago. It's time to reevaluate. We have to look at things that aren't working and we have to do better. Not just continue to increase the number of the percentage for no-kill that we need to hit. To quote Maya Angelou, I did then what I knew how to do. Now that I know better, I do better. Who can argue with Maya Angelou? I'm sure the councilmembers that passed this plan in 2010 did what they had to do based on what they knew. Now that you know what this program does, and these are the kittens I showed you the video of last time, I hope that you do better and take them out of the snr program. Please support an amendment to item 25 if you do indeed pass it that takes these kittens out of the program and keeps them from being put back on the street to fend for themselves. Thank you for your time.

>> Mayor Adler: Thank you.

[Applause] Those are all the speakers we have. That get us back up to the dais. Is there a motion on this item number 25?

[11:57:47 AM]

Councilmember pool?

>> Pool: Thanks, mayor. Yes, I move to approve the revised ordinance that's in backup.

>> Mayor Adler: Councilmember pool moves to approve the revised ordinance. Is there a second to this? Councilmember kitchen seconds this.

>> Pool: I had a couple comments.

>> Mayor Adler: Go ahead.

>> Pool: Great. First I really want to thank everybody again for all of the steadfast work that everybody has put in on these codifications of existing procedure. This item 1st councilmember came us to about a month ago, we did postpone it and it's back here today. I appreciate the comments made here today and as I understand from my staff, watching the advisory commission meeting, many of the concerns expressed here like the spay neuter release will be addressed. We are codifying existing procedures and I appreciate the concerns, including the points that are raised that are outside of the proposed revised ordinance that have been made here. Today what this means is that our work continues and we are all committed to

[11:58:48 AM]

continuing that work. I also recognize there are differing opinions and position out there in our community, and that's a good thing, really, because a diversity of opinion helps us get to the best policies. So I urge all of those who care about our companion animals in Austin -- and I'm one of them -- please continue your passionate engagement and involvement. And, again, thank you to my sponsors, my cosponsors, and the community for this work.

>> Mayor Adler: It's been moved and seconded. Any further discussion? Yes, councilmember Madison and Flannigan.

>> Harper-Madison: I said this before. I'll just reiterate. First off I absolutely support our no-kill policy. However, this discussion and the issues that have arisen as a result of it highlight a need to have a more substantive and fact-based conversation regarding our animal services. Spay, neuter and adoption are the most humane ways to growing animal populations.

[11:59:50 AM]

We need to critically examine the effects of no-kill and the conditions our rescues exist in. We have heard really truly horrifying stories of animals not getting enough play time or bathroom time. We need to recognize no-kill as an ongoing responsibility and not a feel good label. As a no-kill city, we should be a leading example in providing animals with humane care and conditions while they wait for a loving forever home. I support no-kill policies. But I also want us to be diligent and very deliberate about how we report and improve our goals. I received an email from my commissioner, but one of the previous speakers already spoke to the concerns that she presented, and subsequently voted no on this item. In light of all this I will also not be able to support this item.

>> Mayor Adler: Okay. Mr. Flannigan.

>> Flannigan: I just wanted to know my appreciation for

[12:00:51 PM]

everyone participating in this, extending the process, allowing the animal advisory commission to make their review more complete, and I'll be supporting this as my commissioner has supported this.

>> Mayor Adler: Any further discussion? Ready to take a vote? Those in favor of this motion please raise your hand. Those opposed. Councilmember Renteria voting no, councilmember Harper-Madison voting no, councilmember Tovo off the dais. This item passes. That gets us to noon, colleagues. So we're gonna go to citizens communication. We handled everything we could handle this morning except for the Hilton matter, which is gonna be discussed in executive session. The homelessness issues, 29, 30 and 32, ordinance and two resolutions, it would be my intent to call all the speakers together on that. There's about 50 at this point. And there's significant cross-over. But I'd save that in case

[12:01:52 PM]

someone wants to question that. Then item number --

>> When we get to that I have a question about it?

>> Mayor Adler: Okay. We're probably not going to get to it until after lunch, when Kathie is here?

>> Kitchen: Okay.

>> Mayor Adler: Then item 31, Rainey street is the other item that we have yet to get to. So with that said, it is 12:00. And we'll go to citizens communication. Is Steven Swanson here? Come on. On deck is silver white mountain. Is silver white mountain here? No?

>> Right here.

>> Mayor Adler: Oops. Okay. Great. There you are.

>> Good morning. Steven Swanson, 20 year volunteer here in Austin and community action to serve students and people. Today I'm here to talk about the council's leadership opportunity and how we plan Austin's future. And to start a conversation about what will history say

[12:02:52 PM]

about how we have planned our community? 1928, we had the Austin plan that received recognition and conversation the last couple years. In that plan it planned a Negro district in east Austin. That plan was followed. It harmed people and still harms people. How was the 1928 Austin plan planned? Words that we share all too often now . Racism, white privilege and segregation, discriminating against people. That was overseen by a city council. 2012, the community created the Austin . Image Austin plan. It was a plan for how we plan in the process and it was to achieve goals, specific goals. It was not followed. It has not been followed. In that plan it actually wrote about we're still dealing with the legacy of racism and segregation, actually starting to right

[12:03:53 PM]

our history. Goals included tackling the ethnic divide and closing the opportunity gaps. It included the plan -- the plan included process on how to do things. It included elected officials participating with others in developing more detailed work plan, how we're gonna go about planning. Codenext didn't follow this. The aisd board was not involved or they wouldn't have had to write a resolution about codenext. The plan also included processes for each program to be regularly monitored and evaluated, to see if we're using our community resources effectively. This also has not been followed, which is evidenced by millions of dollars we wasted and people's time wasted, as well as lawsuits and petitions. It

also spoke to the importance of accountability of government and leadership. That hasn't changed. We're still looking for and seeking it. That's the purpose of tonight. In 2019, should our city council not seize this

[12:04:55 PM]

leadership opportunity to start ensuring or following the 2012 image Austin plan, how long history describe how we planned Austin's future? Choices include irresponsibly, unlawfully, and continue the discrimination of the past. We have an opportunity to fulfill the imagine Austin plan and change how we are planning and I welcome any of your thoughts and questions. Thank you.

>> Mayor Adler: Thank you. Next speaker we have --

[applause] Silver white mountain. On deck is Valerie Romness. Is Valerie Romness here? You'll be on deck.

>> A song dedicated for the homeless who have passed away on the street.

[♪ Music ♪]

[12:08:55 PM]

>> Come on. Then on deck is Paula kothman. Is Paula kothman here? You'll be next. Go ahead, ma'am.

>> Hello, I'm Valerie Romness. I've been an advocate on the street for 30 years. The last nine years I've been doing the challenger street newspaper and we write a lot about solutions. I used to work with the advocate newspaper and I came across this from 2004. It reads like today. The article. I want to read code of conduct for housed people. Choose to practice empathy over fear. Don't hate. Don't provoke street people. You'll get self-fulfilled prophecy. Give compassion. Smile but say sorry, no cash. Give cold water, burgers and

[12:09:59 PM]

snacks. Donate to the charity of your choice. The challenger newspaper community first. Don't gawk as you drive by. Don't call their stuff trash just because it's in a trash bag. It may have family photos. I've noticed that the people have been much more arrested lately and that's been really good for their mental health. And I want to remind you to read this newspaper because they're writing it, the people on the street are writing it. And from them I gather a lot of thoughts, and I want to say you're right to avoid discomfort does not outweigh a person's right to rest. And you cannot use Christian privilege to do the devil's work. I think the new housing focused shelter is a perfect location. I want to ask our citizens

[12:11:01 PM]

to get past their discomfort. Look the other way like they've always been doing. But I think we should do a point in time count now, while everybody is visible. Maybe we can ask A.P.D. To take care of that and get echo to count now so we get an accurate count because the news says it's 11,000 people on the street. Not 2,255. In the '90s A.P.D. Pushed people out of downtown and they went to Ben white. Then they went to rundberg. And we can't keep pushing this problem around. And A.P.D. Is still abusing and bullying at the cleanups. There's video I sent to y'all this past week. It's in your email. It was filmed by Julian. And so I was there trying to save Joe's -- excuse me, Joe's bed, his cardboard, and he had gotten permission to leave it and then they're

[12:12:01 PM]

taking it away anyway. So I want to just keep asking our city to be patient and wait a little while.

[Buzzer sounding] Everybody will be housed soon.

>> Mayor Adler: Thank you very much.

[Applause] Thank you. Is Amy morrow here? Amy morrow? No? What about jewel griffin? Is jewel griffin here? What about Carlos Leon?

>> You know it, man.

>> Mayor Adler: Okay. You'll bep next. Go ahead, ma'am. You have three minutes. Go ahead.

>> Hi, my name is Paula kothman. I'm not representing any group today. I have a couple of ideas for getting affordable housing faster that I'd like to share with you.

[12:13:01 PM]

One is tax credits for landlords who rent their properties at affordable rates, and the second is no more fee-in-lieu, have the developers build their affordable housing on-site rather than paying a fee. First, property owners don't get the tax credit but developers do. My neighbor in Travis heights rents her place for \$1,400 a month, which is a two bedroom house and it's officially affordable but she pays \$1,000 a month in tax. This helps our community to get more benefit by preventing more homeless people. Also, a lot of times the property owners can afford to rent their places more economically because they don't have the debt service that a lot of the developers do. Other property owners say that they would be willing to build an Adu and rent it for usual rates if they got a tax rate and I'm

[12:14:02 PM]

communicating with the folks at the alley flats initiative in which they get a break in permit fees if they give affordable rates. Let's try to streamline the process to get affordable housing faster and keep our neighborhoods weird by letting more density happen with single-family houses and smaller units together. Another way to get affordable housing is to end this fee-in-lieu, require the developer build on-site because there's just not any land to put the affordable housing. Some developments

[indiscernible] I believe got much, much entitlement for the near one to \$3 million. There's no land, but saying that the one Texas center is free to build affordable housing and then the

[12:15:03 PM]

taxpayers have to rent buildings for the city, it's not free land. So I've seen other plans for the statesman site to only build 40 affordable units even though they're getting thousands of units. They supposedly are getting credit for climbing walls and all kind of entitlements and improvements that their tenants are going to enjoy the most. Lady bird lake is already cool. But some of the coolest buildings in the world house lower-income people, such as the house in Vienna, and then I have many other affordable housing developments around the world that I'd like to give to you. Thanks.

[Buzzer sounding]

[Applause]

>> Mayor Adler: Thank you. Mr. Leon, come on down.

[12:16:05 PM]

Steve Mcdermott, is Steve Mcdermott here? No? What about gunter heaven?

>> Here.

>> Mayor Adler: You'll be next.

>> Harper-madison: Mayor Adler, if I may, is there a member of the real estate staff here? I think this is a really good opportunity, as we start talking about the land development code and people are expressing their concerns, I think it's good to have everybody on the same page so the last speaker, for example, discussed the fee-in-lieu and how we should mandate things but I think having somebody be able to speak to that as it comes up and have everybody having the same conversation, like being able

to say we can't do that, it's illegal in Texas, and being able to talk about what the fee-in-lieu is and how that's relevant I think would be very helpful as we move forward with this dialogue.

>> Mayor Adler: Okay. Certainly making sure those comments get to them would be real important. Mr. Leon, three minutes.

>> Yep. Carlos Leon. October 17, 2019, to speak what's right.

[Speaking non-english language] First and

[12:17:06 PM]

foremost, [indiscernible - no mic] For letting me fight city government evil. Texas government code 551.007 protects my right to speak on any agenda item before or during consideration at any government body meeting the new law can conflict with city code so city boards do not follow it to the maximum extent permitted by law, which the Texas citizens participation act requires. Though public criticism of a governmental body may not be prohibited, chair Rebecca Austin of the commission for women illegally cut off my speaking time and told security to illegally remove me from their July 10 meeting for a decorum violation of disparaging or abusive language though such speech is constitutionally protected. Therefore, remove that clause from city code 2148a and replace it with, quote, language or gesture that

[12:18:08 PM]

insights an immediate breach of the peace per Texas penal code 42.01 because that's a defined disorderly conduct crime by case law, saying harsh and insulting language is not punishable. Still, Austin's violations and crimes must be punished. Though the ethics review commission additionally ruled them not in its jurisdiction, the erc and/or assistant city attorney Caroline Webster allegedly tampered with a governmental record to defraud. That's a felony. By erasing city violations 211 and 2144 from their official consideration of and ruling on my submitted complaint to hide Austin breaking state and federal law, which she knew beforehand was illegal and wrong. Per her June 19 email to staff liaison Vicki nunen,

[12:19:12 PM]

quote, I understand we cannot prohibit hate speech or prevent citizens from attending meetings per a first amendment right, end quote. That's all in front of you now on the record, council. Next stop for me, city auditor's office, to hold all of them accountable for their abuse of official capacity, violations and crimes under city code 2-7, article 4, code of ethics, to enable the city auditor to file a new sworn

complaint with the erc, submitting the results of their substantiated investigation and to notify the appropriate chief prosecuting authority per city code 2-3. Judgment's coming.

>> Amen.

>> In Jesus' name I pray. Amen. God bless Texas,.

>> Mayor Adler: Thank you.

>> Above all, god's word.

[12:20:14 PM]

>> Mayor Adler: Mr. Mcdermott on deck. Heaven gunter. Come on down. Go ahead.

>> Hello. Good afternoon. My name is heaven. I'm here on behalf of planet K and the fog foundation to -
- at the end of this month we are starting our month of giving back we work with local charities to give back to the community, including the food bank, Austin harm reduction, pets alive and many more. To donate visit any of our 11 Austin locations and visit planet K texas.com. On behalf of the planet K and fog foundation I'd like to invite the city out to our -- to kick off our month of giving back with the 12th annual fireworks show. Thursday, October 31 at Craig field on the east side. The show is free and the fireworks start at 9:30. Thank you.

>> Mayor Adler: Thank you.

[Applause]

[12:21:15 PM]

Is Jamie dorobek here? Jamie dorobek? No? I think those are all the speakers that we have. All right. Then we're ready to -- yes, ma'am. Are you signed up to speak today, at today's meeting? What's your name? Have you signed up for a particular item to speak on? Why don't you come on down and visit with the clerk, and -- sir? We'll be discussing the homelessness issues this afternoon, after lunch. But come on down to the clerk. The clerk will help you. All right, the council no-kill he go in closed session to take up three items pursuant to 551.072 of the government code, city council will discuss real estate matters related to item 44, healthsouth, item 45, palm school, pursuant to 551..071 of the

[12:22:15 PM]

government code discuss legal matters related to item 24, which concerns Austin convention enterprises. Without objection we'll now go into executive session. It is 12:22. And we'll return after lunch and after executive session. We're in recess.

[Executive session]

[1:00:52 PM]

>>> >> >>>

[1:52:08 PM]

S

[2:27:10 PM]

>> Mayor Adler: We're going to go ahead and convene this meeting. It is still Thursday, October 17, 2019. It is 2:27. We're in city council chambers. We're going to run through as quickly as we can the consent agenda and then call up the homelessness resolutions and ordinances and speakers. Go ahead.

>> Mayor and council, Jerry rusthoven. On your zoning agenda, items 46, 47, 48 are all discussion items, the Riverside items. Item 48, I can offer this one for consent approval on second and third reading with a notation there is an error in the staff report and the impervious cover on this tract is limited to 65% or 70% with transfers. Item 50, c14-2018-0080, consent approval on second and third reading. Items 51 and 52 will be

[2:28:12 PM]

discussion. They are related to the Riverside cases mentioned above. Item 53, I have a neighborhood postponement request. Also a neighborhood postponement request to November 14. 55, I have a postponement request by staff on this case to November 14. Item 56, this case is ready for consent approval on all three readings. Item 57, case c14-2019- c14-2019-0107.sh, postponement to November 14. Item 58, c14-2019-0007, this is the comfort mobile home case. This case was initiated by the city council but my understanding is everybody is now okay with this case being withdrawn.

>> Mayor Adler: Withdrawn,

[2:29:14 PM]

number 58.

>> Correct. Item 59, npa-2019-0010.01. Consent on all three readings. Number 60, also ready for consent approval on all three readings. Item 61, postponement request to November 14. Related item is item 62, also a postponement request by the applicant and neighborhood to November 14. Item number 63 will be a discussion case. Item 64, this case is ready for consent approval on all three readings. Item 64 is applicant is quick indefinite postponement.

[2:30:14 PM]

Case 66, also an indefinite postponement request by the applicant. Item 67, this case is ready for consent approval on first reading only. And item 79 on the addendum, this case is ready for consent approval on second and third readings with the notation that we have handed out some changes that were made to the ordinance and yellow paper on the dots.

>> Mayor Adler: So that I understand, is items 53 and 54 the request by neighborhood, is that one okay to postpone?

>> Yes.

>> Mayor Adler: No objection. Okay. And items 61 and 62, any objections to that being postponed?

>> That's both the applicant and the neighborhood.

>> Mayor Adler: So then I'm showing the pulled items are the Riverside items, 46, 47, 48, 51 and 52. And then also be pulled is item 63.

[2:31:15 PM]

>> That's correct, mayor.

>> Mayor Adler: Those are the only ones being pulled. The others are moving forward on consent, as you described. The consent agenda is items 46 to 67 and also including 79. Is that right? Okay. Pulling 46, 47, 48, 51 and 52, which are the Riverside cases, and also item 63. Is there a motion to approve the consent agenda? Councilmember Renteria makes the motion. Councilmember Ellis seconds that. Is there anyone to speak on the consent agenda? Does number 60, looks like it has somebody. Does Rosie torres want to speak to us?

>> [Inaudible]

>> Mayor Adler: 63, that's been pulled so you will get an opportunity to do that later. Ms. Torres is signed up for

[2:32:18 PM]

number 60, should be shown as moving over to 63 instead. No one here is to speak. Comments, discussion, before we approve the consent? Mr. Flannigan.

>> Flannigan: I know we're postponing item 54. My understanding is that there is ongoing conversations and that's perfectly fine, but I've heard some conversation that they might -- might be folks asking for a height reduction from 90 to 85. So as we get closer to that, I would really like to understand why it would be different. The property to the north is 125 feet, the property to the east is already 90 feet, that kind of thing.

>> Mayor Adler: Those in favor of consent agenda raise your hand. Those opposed? Unanimous on the dais with councilmember tovo off the dais.

>> Thank you.

>> Mayor Adler: She's not feeling well, but is watching I think and will be joining us as we get to things she needs to participate on.

[2:33:19 PM]

All right. So that gets us then to the homelessness issues which are items 29, 30 and 32. It will be my intent to call those at the same time so people have a chance to speak on these three things. Before we do that, I'm going to give -- let me lay out what they have to lay out -- people. Councilmember kitchen, do you want to lay out 29?

>> Kitchen: Yes. And I will -- I'm not -- always get confused about which order. Shall I make the motion first or explain it?

>> Mayor Adler: Just explain it. We'll do motions next. Or you could make a motion now too, that would be fine.

>> Kitchen: I'm going to move for consideration item number 29 as we posted this morning.

>> Mayor Adler: There's been a motion -- the motion

[2:34:20 PM]

is number 29, councilmember kitchen posted this morning, seconded by councilmember alter.

>> Kitchen: Now I'll go through it real quick. I just wanted to say a few things because it has changed. Just by way of explanation for folks, I wanted to say that the work session on Tuesday, my co-sponsors and I, and that's councilmember tovo, alter and pool, found that discussion to be very helpful. It gave us the opportunity to listen and to hear what people's concerns were. And we heard a number of things. Among other things we heard the concern and the desire for a simple approach. I think we also heard something that we're all on the same page with is that we're working towards clarification re as opposed to creating new -- you know, new areas for restrictions. We also talked about and heard the concern about the needs for solutions that do

[2:35:23 PM]

not [inaudible] Folks. So we heard those things, and I think that we came away from the work session both understanding some areas where we have a lot of common ground, and I think we're on the same page. And then we also understood some areas that people had concerns about and -- and perhaps needed some revisions. What we've passed out for you have made a number of revisions. I'm going to highlight those quickly so you'll know what those are and you may have some time to look at those as we hear from folks. But the first thing, in moving towards -- in moving towards simply indication -- simply phrasing what we're doing, we changed what we -- what we posted to align with the formatting of the mayor's, the approach the mayor took, and that approach is to make changes only to 94-11, I believe it is, and not to 94-14.

[2:36:26 PM]

What you will see in front of you follows the same formatting that the mayor, and I believe the mayor pro tem's amendments were in that formatting too. We also, as suggested at the work session, we replaced the list of streets where camping is prohibited with the language that I believe we heard from the mayor's proposal about restrictions within 15 feet of the doorjamb of a business or residence. So we made that change. We also narrowed the definition of a median to clarify that these are only the medians under a highway underpass and next to you-turn lanes or you may call them Texas u-turn lanes. So we narrowed that because we heard the concern about covering too many areas in the city. We also moved the list of areas that are already prohibited by existing law. We took that out of changes

[2:37:26 PM]

to the ordinance and we moved it to the finding section. So that it's there for people to see and understand, but it doesn't -- it doesn't do anything different than what the currently in other rule or law.

We also incorporated the approach that I think was in the mayor's proposal to clarify the language that the list of restrictions were clarifications to the standards. So we took that language. We also incorporated -- and we had some discussion at work session about asking the city manager to identify structures that might present a public safety risk and hazards. So that was the language that was in the resolution proposed by the mayor, the mayor pro tem and councilmembers harper-madison, Renteria and Casar. We took the language they had in the resolution and put it into -- there's a portion of the ordinance that has instructions for the city manager. So we thought -- we thought

[2:38:27 PM]

we were hearing a desire to make sure that we proceed with that, so we put that into that part of the ordinance. So that's the high points of what we changed. We understand that -- that we have much -- we have a number of additional things to discuss today. And we have also passed out to perhaps be helpful for folks a comparison of the proposed ordinance with the mayor's proposal and the mayor pro tem's proposal. That might be useful for us as we work our way through this. And we've identified as the primary difference between what we're proposing and perhaps what others are proposing is a list of I think it's about five areas, so it's not a large number. But those relate to, first the culverts and storm drains, second the creeks and rivers, third the accessibility ramps, fourth the high fire risk areas,

[2:39:28 PM]

fifth the highway underpass medians and slopes. And then we also have some clarification around the shelters. So those are the areas we've identified so far that appear to be the areas we may have differences. So we are hoping to take a -- we're hoping to take a very collaborative problem-solving approach today. We understand that people have differences, but I'm hoping that we will take some time to talk about each of those, understand what our concerns are about each of them, and to the extent possible perhaps we can reach a consensus on some of those areas. So that's what I wanted to say right now for folks. I think we -- we made some copies for folks that are here to talk with us today of the comparison in case that's helpful for you all. Then let me turn to my co-sponsors, councilmembers

[2:40:28 PM]

alter and pool to see if there's anything they wanted to add that I may have forgotten.

>> Mayor Adler: Councilmember alter.

>> Alter: I just want to add for folks watching on TV or who are in the audience the ordinance was posted to the message board, that is I think Austin council forum.org, where you can see exactly what

we put forward. I thought that Tuesday's work session was very helpful to get greater clarity and I'm hopeful we can move forward today with clarifications that our community is asking for.

>> Mayor Adler: Okay. Thank you. Councilmember pool.

>> Pool: And then I just add on my thanks to everyone for all of the hard work on this really anguished issue on both sides. I'm hopeful for our work here today. It feels like a real spirit of collaboration both in the room and across the dais, and I just am really hopeful

[2:41:29 PM]

for a good outcome and thank everybody for being here today and caring as much as you do about our special community.

>> Mayor Adler: Thank you. I would point out for the record just quickly that while we were in closed session during the lunch break, we met in executive session and took up the three items that were announced before we came back. Yes, councilmember Ellis.

>> Ellis: I don't know if this is the appropriate time, but I wanted to have an opportunity to provide a substitute motion.

>> Mayor Adler: Yes.

>> Ellis: I know you've been working on an ordinance that I think is much more clear and streamlined, and I want to make sure that people -- everyone in our community, whether you are experiencing homelessness, whether you are a public safety officer or whether you are a resident that it is very easy to understand and that everybody can know what the expectations are as we are moving about our society together in this community. So if it's an appropriate time, I would like to make a motion to use your

[2:42:30 PM]

substitute ordinance as a starting point for this discussion.

>> Mayor Adler: Councilmember Ellis moves the substitute motion as was posted yesterday or the day before. Is there a second to that motion? Substitute motion? Councilmember Casar seconds that. I think those are the two motions that will be in front of us. Are we ready to go ahead and hear from the public? Mr. Flannigan.

>> Flannigan: I'm reading the comparison chart that I see was provided by councilmember kitchen. I want to understand better a little bit what you are interpreting in the other proposals because it seems to imply that things would be allowed where you note not included, those things would be prohibited

even though it's not specifically written. So, for example, on the inside of a culvert or storm drain, I think very clearly is covered by the not --

[2:43:30 PM]

materially endangering health or safety of another person or themselves. So I can understand for the public as they interpret these proposals, not included doesn't mean allowed, it means not specifically listed.

>> Kitchen: Mayor?

>> Mayor Adler: Yes.

>> Kitchen: Thank you, councilmember Flannigan. That was the intent, that when we say not included, that means that it's -- that specific language is not included.

>> Mayor Adler: Okay. Councilmember kitchen, I seem to have gotten down without the copy you handed out for lunch. If you have extra copies, I would take one. So let's go to the public. First 20 people that speak get three minutes, people after that get one minute. I'm going to endeavor to try in the first 20 to get differing views as best I can. All right. So let's begin. I'm going to call on you,

[2:44:32 PM]

you can speak to 29, 30 or 32. This is the opportunity to speak on all three. Is Danny Henderson here? Why don't you come on down, sir. You have time donated by Randolph Bennett. Is Randolph Bennett here? Okay. So you have three minutes plus one minute -- I'm sorry, yes, three minutes plus one minute so four minutes. Donated time is one minute. You have three minutes to speak.

>> Also had time donated by Paul mullen.

>> Mayor Adler: Does the clerk have that name? Great. You then have five minutes.

>> Thank you. Well, first of all, to the speaking on the no camping ban, in the area of the new

[2:45:32 PM]

shelter, proposed shelter, I have -- let's see. See proposals for 751 acres. I think it's important for everybody to know that there's six or -- 120 acres is a square quarter mile. A square mile is 648 acres. So you are looking at approximately one and a quarter square miles. I feel it's unreasonable. Our homeless are going to be affected greatly. I also want you to know that myself 31 years experience living on the

streets homeless, last 26 in ministry to the homeless which I operate from the streets serving the homeless

[2:46:34 PM]

community. So I've been in Austin since 1997. I have history of homelessness within Austin and serving the homeless within Austin for the last 22 years, almost 23 now. I have a pulse on the situation more than anybody that you'll ever meet, as much as you probably might want to differ with me. I don't have a college degree, I have on-street experience. I get results from the homeless. You are looking for answers, I'm the guy to help you with that, but it takes team effort. A team effort means I deal with people that are transparent and speak honestly, which has not been what I've experienced with

[2:47:36 PM]

city leadership. And I make accusations that I can back up right now. I have evidence, I've got video of city inaction which will embarrass every one of you. The city started purple bag project. It's a joke. That comes back to your office, Mr. Cronk. You are charged with the oversight of city business and management. I don't know who you've got out there doing this, but you are not keeping an eye on them. It is a joke. There's a big to-do made on all the network news stations when that bag project was initiated. And they have signs up at

[2:48:39 PM]

these camps, permanent signs will pick up. I've been in and out of pack saddle several times a week, I delivered bags out there that you did not. Bags are dropped off and shown on TV, and we're going to pick them up every week and drop off new ones. It was a month before anybody showed up. And when they did show up, three men, four men in a pickup truck with a city trailer behind them, and I see on your memorandum from -- from October 4th that this is being subbed out. Now, I know that the other ones have been subbed some of this work. But what I'm seeing is city employees work under pack saddle. They are not subbed out. This here says that they are not city workers. I stand here and ask for an accounting on that -- accountability, transparency. Do what you say or don't say

[2:49:40 PM]

it because you've got the public believing that you are doing these things when you are not. The yellow bags. Put all the things you don't want taken, now that's akin to telling a thief, you know, I'm going to put all my things that I want to keep in this box. What do you think a thief is going to do when they come in? First thing they are going to grab is that box. Accountability, transparency, there's a watch dog and I bite. That's not what I want to do. I want to work with you all --

[buzzer sounding]

-- On solutions that will benefit the homeless, business community and the house community. There's solutions out there that are out there. And the homeless respond to me. Those bags I delivered, trash bags I delivered that you did not, I went back out two days and looked like pack saddle had been swept with a broom and dust pan.

>> Mayor Adler: Thank you very much.

>> City came two days later,

[2:50:40 PM]

kicked them in the teeth, took personal belongings, you make my job harder.

>> Mayor Adler: Thank you, sir. Mr. Peña, do you want to speak? Cleo, you will be up next. You have time donated from allysa sentiano here?

>> [Inaudible]

>> Mayor Adler: Would you come down and give your name to the clerk. Is medhora medville here? He will be up next. You have three minutes, Mr. Peña. Ms. Petrosekiop five minutes.

>> Thank you very much. My name is Gus peña, east fifth street. I want to -- I want to tell

[2:51:42 PM]

you, we -- my wife and I were homeless, you know, you remember when we went to your campaign headquarters. We campaigned for you and we were homeless. And Nelda swells spears, good people. Right now, mayor and councilmembers, we need to do something about -- I love helping people, I do, but this has gone out of proportion, you know. People tell me, yeah, look what the city did for me. I said come on, man, we're trying to get a house. I don't want an apartment, mayor. And, you know, they owe me a house. They told me they were going to get a house. I have a certificate for that from the V.A. But I just wanted to let you know that something needs to be done because the homeless

[2:52:44 PM]

population is going to -- they are good people, some are good people, some are very good people, but it's getting to be worse and people are coming in from other cities saying yeah, Austin is not going to prohibit it. I've been critical of each one of you all, but I respect you all because you have a hard job, but we need to work with other agencies to work on the homeless issue. It seems like some of the -- some of the things you all approve of is not working. As a matter of fact, it is an absolute shock. It is a no brainer. And especially in -- like this prior speaker speaking, there are a lot of homeless people coming in now because, hey, Austin is the one. I'll be honest, I spoke with governor Abbott -- I just got out of the hospital yesterday. Governor Abbott and chief of

[2:53:45 PM]

staff also and I said look, this is not going to work. I've known governor Abbott when he was a justice and other things. Anyway, we talk candidly, but the people are hurting, the businesses are hurting, you know. I see where the office is at that some of the people work in the industry downtown, and it's not good. I love people. It has been my heart since I was a kid. Even I remember them jumping on trains. So I'm going to ask you respectfully, look at it, do it, but do it in a conscious way to help out the homeless --

[buzzer sounding]

-- Instead of getting them scared. Thank you very much.

>> Mayor Adler: Thank you.

[Applause] Is Shea petricek here?

[2:54:49 PM]

No? What about Matt mccovak. You will be next. You have time donated from Jason Stewart. Is Jason here? Is Peter stu here? No? You will have four minutes when you come up. Ma'am, five minutes.

>> My name is Cleo, I'm a former juvenile probation officer in south Dallas and former social worker, I work with big brothers, big sisters. I have also housed homeless families in my home and have a refugee family that's been in my home and an active Democrat. Amateur, that's the word that comes to mind when the public examines the totality of the council's actions on the homeless topic. A foolish move to prioritize a shelter which could deliver no meaningful or immediate impact to a situation in dire need. A naive decision to alter an

[2:55:50 PM]

ordinance which has been roundly opposed by anyone with any expertise or experience and by the public having to live with the consequences. A mindless decision to act before hiring an expert and subsequently losing the expert. There are many crass phrases to describe this show this council has foisted on the public. That this charade has roots in political extremism and desire to enrich certain areas and people at the expense of others. It is becoming impossible to deny that the only thing preventing this council from heeding the good advice of the public is simple ego. There is no point in recounting the ignorant arguments put forward by the council that have moved us to this place where the governor must step in to protect the common man, woman, child and our beautiful city. These arguments were weak from the start and are now

[2:56:50 PM]

just simple jokes. There is ample evidence across this country that demonstrate a clear pattern of deterioration when cities declare basic standards of conduct don't apply to those experiencing homelessness. The evidence shows that bad elements of the population are emboldened to act out hurting not only the ordinary citizens but also those in the homeless population that are not able to defend themselves and do deserve decent conduct. There is ample evidence that drug use runs rampant when law enforcement is stymied by bureaucrats of the council. Having no short-term solution for the Texas summer meant the homeless population would and has suffered. For a council who pretends to be Progressive and pretends to have spent so much time agonizing over this problem, it is embarrassing, embarrassing that the only ideas do nothing to alleviate suffering in any reasonable

[2:57:51 PM]

time or in any reasonable cost. It is embarrassing that the only immediate impact of this council was to increase suffering for ordinary working class citizens. Ego and enrichment of the few are the only answers that seem to make sense and that is most disturbing of all. Austin deserves far better than the circus and the citizens of Austin must stand up and be counted to preserve all that we love about this city. You have made a choice to tell rate vagrancy and encourage drug use with dire consequence. You are conducting an experiment in what happens when a society stops endorsing Bourgeois norms. The result street squalor and industry have increased. Yet the principals guiding city remain free from harm. Homelessness is a housing problem, involuntary and persists because of inadequate public spending.

[2:58:52 PM]

These propositions are readily disproved by talking to people living on the streets. Everyone is on drugs here and stealing says an ex- convict. A formerly homeless woman living in a city subsidized hotel asks if she has done drugs. The city sends a message relentlessly. Induce addicted dealers to begin treatment.

The city enables the entire homeless lifestyle. Free services and food along with maximal tolerance for anti-social behavior act as magnets. Austin is a place to go if you want to live on the streets. Elevating the rights of the homeless over those of the working public has caused taxpayer millions with nothing to show for it. No one has a right to live in one of the most expensive

[2:59:52 PM]

real estate markets in the country, certainly not on the public's dime. It is clear why any city -- it isn't clear why any city is morally obligated to provide housing for someone who starts living on the streets, but assuming such an obligation, the money Austin will be spending trying to house the homeless --

[buzzer sounding] Could go much further outside the the millions saved could go to mental health and addiction services.

[Applause]. Mr. Ma coviak? By the way, the clerk is asking if she can close the sign ups? You can go ahead and close them. After him will be Susan spitaro here? Get.

>> Thank you, mayor. Thank you, council. I've been here before you twice before. I know that we're here today after another month delay.

[3:00:53 PM]

You all wanted to give process concerns. The last time you were here you heard a lot of negative feedback about the city's direction of homeless policy. We are in an unfortunate moment of our city's history and everyone here in this audience would like to see our homeless community better cared for and in safer conditions. The problem is that our city has been made worse by the policies. Nine of you out of 11 voted to put the disastrous camping policy in place and it's now almost been five months and you've been literally nothing. You've talked a lot, you've met a few times. You've made really zero progress and no changes. And in fact, the expert you brought in just left as an employee is now moving to a consultant role. I don't really know what else there is that we can tell you. You've received enormous negative feedback from the why public and that doesn't seem to move the dial. The petition I started on July 17th has over 35,000

[3:01:53 PM]

signatures. For people who want to see the homeless camping ban reinstated. If that's not enough, you can consider the Austin police chief who was here this morning who said he would like to see it reinstated. You can consider the Austin police association. You can senior the organization safe horns, made up of students and parents at the university of Texas. You can consider the UT police who asked to

have west campus exempted. It has not been exempted. You could now as of today consider the Austin board of realtors, one of the most significant trade organizations in city politics, in city government government. So the governor has been watching this for four and a half months and has been stepped in to provide leadership where you all refused to do so. He doesn't want to do that.

[Applause]. I assure you it's not a fun thing for him to consider this to expand state resources on a problem that the city has caused and created and continues to allow to continue. So you all have been under pressure since he made that

[3:02:55 PM]

announcement a couple of weeks ago. On November 1st he is going to take every single action that the state can possibly take and this problem will not be fixed, but it will be made better. If you all want to ban camping on sidewalks is that better than where we are today? Sure. You want to ban it under underpasses, is that better than where we are today? Sure. The simple and best thing to do to rebuild trust with our community, to rebuild trust with the residents, is for you all to admit you made a mistake.

[Applause]. It's hard in politics. As I said, the first time I was in front of you I don't doubt your intentions. What you can't doubt now are the results.

[Applause]. I was talking to someone yesterday who came to Austin to interview for a job, was given the job offer.

[Buzzer sounds] I was given four minutes. That's three, correct. No, it's three.

[3:03:55 PM]

Thank you. I was talking to someone yesterday who came to Austin to interview for a job, got a job offer, was more than he wanted to receive, he was shocked by what he saw downtown that he chose not to move to Austin. Maybe that's your goal. Maybe you don't want people to moving to Austin and --

[applause]. Look, overcrowding is an issue and we have a lot of people wanting to am could here. But from a public safety standpoint, from a public health standpoint, from a tourism and economic standpoint, you are selling your seed corn. The attractiveness of Austin is that we are a welcoming city. This is a great city to move to, a great city to raise a family in. That is no longer the case. And that's a very sad fact for those of us who have lived here, who pay taxes, who don't need our behavior to be decriminalized, right? So as a catholic and a Christian I'm very compassionate toward the homeless. I toured the community first village -- [shouting].

>> Mayor Adler: Yeah, please, when someone is speaking please let that

[3:04:56 PM]

person speak so we can hear what they say. This has been to be a safe place for people to say to the council to say whatever they want to say or however they're feeling. Go ahead sir.

>> I toured the community first village that mobile loaves and fishes operates in southeast Austin. That's a model that's working. Unfortunately it's a model that's having trouble scaling. Is the city says we have 2200 people experiencing homelessness on a day-to-day basis. We have about 800 beds in our city. That means we have over 1400 beds. Over the last four months we have not identified new beds. I believe the mayor said a couple weeks ago that we will continue this camping situation until there's enough housing for everyone and that could last at at least five years.

[Buzzer sounds] I ask you to reinstate the homeless camping ban. Thank you.

>> Mayor Adler: Thank you for your time. Ms. Spitaro you will have three minutes. Is Joyce stats here. You will be up next.

>> My name is Susan and I'm

[3:05:57 PM]

going to not repeat what anyone else has said. I agree with almost everything. But I want to hit on a couple of issues. That is it's frustrating for the public to come here and what you're talking about changes and new rules and it's hard to understand what you're proposing. So I would like to focus on the results.

And that is this: It is not acceptable for people to be unsafe when they're they're in their car take their child to go, going to work. It is not safe for the aggressive behavior of panhandlers. We have some several very ugly incidents for panhandling. It feeds right into the drug use. Drug use is illegal, selling drugs is illegal and the panhandling simply makes is worse. So that little package has to be stopped. So whatever you're talking about in terms of this sidewalk or that, the aggressive panhandling has to be stopped. A person I know was running

[3:07:00 PM]

around town lake, got in his car and a homeless person came up, a panhandler, and wanted money, said no, he threw a big rock through his windshield. Guy called the police, the police came out, the homeless guy standing right over there, the policeman says I can't do anything because I didn't see it happen. That cannot keep happening in Austin. People have the right to not expect that. Another one, a homeless person comes out, puts his wheelchair in front of a car, it is in the road, panhandles and won't leave until they give him money. So whatever you do that is not acceptable for the people that live in Austin,

Texas. So please focus on that. The other thing is that -- I know you don't have a permanent solution. There are temporary solutions. I keep talking about St. John's because it's 20 acres. Is it perfect? No, but it would get those people off the street that are not engaging in criminal

[3:08:01 PM]

behavior or you can get services to them. That's something that could be done right now. So I think you can move people off the street, you can deal with the panhandling, which is a criminal situation. You can rescind the new ordinance and allow people to live in a safe Austin. The housing first, I did some research on that because that seems to be what you like. And what that means is you're going to give someone permanent housing without any commitment to substance abuse, changing their behavior, treating alcoholism, but just give them someplace to live. That is so unfair to the working poor in this town that are struggling to keep their homes and doing everything they can to do it. And I also don't understand with that philosophy, housing first, how you keep other people from moving to Austin. Buzz buses. It seems that can --

[buzzer sounds] It seems that can never

[3:09:02 PM]

stop.

>> Pool: I have a question. You mentioned the St. John's property. Specifically which is that?

>> That's the former home Depot site.

>> Pool: The Home Depot on east 290?

>> Yeah. It's my understanding that's 20 acres.

>> Pool: I-35. Okay. That's what I needed to know, the Home Depot site. Thank you so much.

>> Mayor Adler: Is Heather Sidell here? No? What about Jamie Villareal? Go ahead. You have three minutes.

>> Good afternoon, I'm Joyce txdot camera stats and I'm from district 10 and I'm pleased to be the leader of the Austin fire wise alliance, a group of about 30 neighborhood leaders who worry about wildfire. And I want to raise a point that I hope will remain in the ordinance, which is that

[3:10:02 PM]

we should not allow camping in the high wildfire risk areas. And there's been some concern about that meaning we wouldn't be allowing them in any green space and I want to make sure that people understand that the amount of our space that is high wildfire risk is a small amount relatively speaking. So you have a chart in front of you that shows 14 percent of the space around Austin is considered to be at high wildfire risk. So please keep that in the ordinance and make sure that we keep people safe. The reason that's important is that whenever there is a wildfire one of the first things you hear about is how many citizens, how many residents have been evacuated. We need to be able to evacuate anyone who is in harm's way and allowing people to camp in areas that are not accessible, that are very high slopes, that have a lot of flammable material, is just not safe for them. And it's not safe for their neighbors. So please keep that in mind. The other thing I would like to encourage is in the

[3:11:03 PM]

ordinance and in the resolutions you ask for transparency about what is going on. How our money is being spent, how many people are being affected, how many people are being moved from one position to another within the stream of being housed? We have a lot of distrust around Austin at this point. We're getting numbers that vary from 2,000 to 11,000 in terms of the number of people who are homeless. And I know for a fact they are all over the city. I've been part of the pit count and I know we don't find them all in January. So I strongly agree with Valerie that we should be doing a pit count now. We should do that several times a year when the conditions are more amenable for finding the folks than they are in the middle of January. I fully understand why we do it in January. That's a national thing. But it's not going to be very accurate. So please be sure that we are getting data, it's in the public, it's regular,

[3:12:04 PM]

it's transparent. Thank you.

>> Mayor Adler: Who are the people who donated time for Ms. Petrusek.

>> She didn't need my time. >>

>> Mayor Adler: Go ahead. You have three minutes.

>> Okay. My name is Janie Villareal, I'm a business owner. I have eight tenants in the district 5 that are small business owners. Seven of them are females. Since you've allowed the tents to blow up everywhere, our businesses have suffered with homeless people just walking in. A lot of our tenants are having to lock their doors. We've had some of the same homeless people show up with knives walking in. So it's affecting our businesses. And I'm just up here to say the same thing I did at the

[3:13:05 PM]

last meeting. I'm asking that you ban the camping everywhere. I mean, I don't think it's fair. I was born in Austin, I've been here 62 years. I've heard a lot of stories about discrimination. I never really knew what it was, okay? I've never been discriminated for being a woman. I've never been discriminated for being brown. I've never been discriminated for being gay. And thanks to you, mayor Adler, with all due respect, now I understand what discrimination is.

[Applause]. You are picking certain neighborhoods to clean up. Because I decided to invest in the district 5 neighborhood, and you're saying you're going to clean up certain areas because of a safety issue, because of health issues. Why are we not as worthy as the other neighborhoods? It just does not make any sense to me. I mean, let's just say we're

[3:14:05 PM]

going to ban camping in Ann Richard en's neighborhood and we're going to ban camping in the manager's neighborhood, but everyone can camp where the mayor lives. Assuming that you lived in a house like the rest of us, not in a penthouse, okay? If you lived in a house just like the rest of us, and we can only camp around the mayor's neighborhood, the mayor might have to wake a dead person up, the mayor might have to run a homeless person who has a knife. The mayor may have to see a dead person. The mayor may have to see a naked person, someone defecating, urinating, masturbating. These are the things that we're seeing. And yes, it has been there before, but it's worse now. I know people that live in the woods that are homeless and they're still living in the woods. They didn't leave the woods in June. They're still living in the woods. And there's more people underneath Ben white. I've never ever seen this city, I've been here 62 years and I've never seen it this dirty. So I'm just asking that you be fair because

[3:15:07 PM]

discrimination is very clear, very clear. If you only pick certain areas to clean up. You cannot say that because downtown is worth more money or it produces more money that we're going to take care of the safety issue and the health issue, but because district 5 may not be worth as much they can wait. It's not fair. Do not discriminate is all I'm asking you. That's a big word.

[Buzzer sounds]

>> Mayor Adler: Thank you. Is bill Bryce here? Bill Bryce, why don't you come down. Chris Harris, you're on deck. Mr. Harris, I had you having donated time from sue Gabriel in is sue here? And is suki here? Okay. You will have five minutes. You have three minutes, sir.

>> Good afternoon, mayor, city councilmembers, bill Bryce with downtown Austin alliance. I thought Chris donated time to me today. I'm here speaking neutral on item 29 and the reason for that is from item 29 that's been posted and what the

[3:16:08 PM]

mayor has posted yesterday, we agree with elements contained in each, but not fully with either. We support proposals to ban camping on sidewalks anywhere in the city of Austin. We support restrictions on signage, lying and camping that are proposed around the vicinity of arch, fourth to 11th, frontage road to brazos street. We support the restrictions that are proposed to keep people from camping and sitting and lying at bus stops and transit stations. What we ask in addition is that the council consider putting a ban on sitting or lying in front of an open business. We am believe this as well as everything I stated prior are not only good for downtown but good for the city as a whole. Mayor and council, I am repeating what's been mentioned already, but I think it's too important to pass up. Today we have no more alternatives than we did June 20th that provide a real option for someone to go as opposed to camping on

[3:17:08 PM]

the street. We have no more shelter than we did before. I understand that the council and the new consultant and echo are focused on wanting to create bridge housing and permanent housing. If at least we bring on 300 new units this year, this fiscal year, we are still thousands of units short. It is not right. It is not humane to allow people to languish on the street until they have a permanent unit. We have got to stand up temporary shelter. This has been done in other cities. It's not perfect, but it is better than the alternative of having people LAN wishing on the street until such time they can be housed. We're very interested in that as well as permanent and bridge housing. Thank you for your time today. We appreciate the work you're doing on this.

>> Mayor Adler: Thank you, sir. Is Leeann land here? Why don't you come down. Go ahead. You have five minutes, sir.

>> Thank you, mayor. My name is Chris Harris from district 4 here to say once

[3:18:09 PM]

again thank you for what you did in June. Decriminalizing stave sustaining activities for those in poverty, like sitting, lying, and sleeping, does not in and of itself increase crime, does not in itself hurt anyone or discriminate against anyone. In fact, it limits the discrimination that occurs against people in extreme poverty in our city. It allows them the opportunity to live day-to-day without fear of police harassment.

And without getting tickets, arrests and warrants, which then hurt the ability of folks that have to live outside to then get jobs, get educational opportunities and get into housing, given the restrictions that exist on those things for people with criminal histories. Many of the issues that you hear, that you've heard today, that you've continued to hear over the last few months, in addition to being anecdotal and not clearly related at all to

[3:19:10 PM]

decriminalizing of sitting, sleeping, lying down, also are not things that you obviously made decriminalized. Assault, aggressively confronting people, all of these things remain illegal and the negative experiences that people might be having with the police related to these issues are a police issue, not an issue with the law that you all changed back in June. And I think it's very important that people understand that. Assistant chief sent an email to officers telling them not to tell residents to watch Seattle is dying, telling them not to tell people that the council tied their hands. Why? Because some officers were doing that. They were doing those things. So the issue again is not with the law. If people have issues, it is with the enforcement of that law. And so I ask you not to change the law on the basis of the poor enforcement or the choices of people not to

[3:20:11 PM]

enforce the law because they disagree with it. Do it because it's the right thing to do. People have brought up, you know, various opinions of various law enforcement entities and what have you. How about the experts? How about echo, how about community first, mobile loaves and fishes? These groups uniformly supported decriminalizing homelessness. They saw and continue to see the negative impacts of criminalization on the clients they serve day-to-day. These are the experts and the people that you should be listening to as you talk about what to go forward with as far as policy. And these are the folks that ultimately we need to be centering now because what we really need to be doing is to stop talking about these ordinances and we need to be pivoting to the housing. On this I can agree with those that disagree with the ordinance changes. What we need to be talking about now is how do we get people into housing.

[3:21:12 PM]

I do agree that the housing first response is best. Again, the experts across the country show this. We can move people into housing and they will stay there. And in large, large percentages. And this is the best outcome for everyone. It means less people on the street, and for those forced to live on the street it means they have a new chance at life and a new opportunity to overcome the issues that they may be facing. And so it again is very important that whatever happens today that this be the last time that we

talk about these ordinances in this council. Obviously I do not support any new restrictions on -- based on what you've done. If something must be done I hope it's the least restrictive thing you can do and that future conversations about homelessness in this building are focused purely on how do we house people and then how do we provide support to the folks that need it to stay in the housing? And I hope to be focused on and to contribute meaningfully to those conversations over the coming months and years as we I hope take leadership on

[3:22:13 PM]

that issue nationally in order to do this. The last thing I'll say is that we really need to be standing up for people experiencing homelessness right now. What's coming from the governor, whatever that is, is not going to help anyone. It's going to hurt a lot of folks, the most vulnerable folks in our community and ahe hope that you and city staff are looking to help those people who are displaced, have their possessions taken and destroyed, including like medicine they take on a daily basis R. Basis, ids they use to access services, to apply for jobs and housing. The things that they need to get by day-to-day. That's what's under threat right now. And if we allow that to happen without any response and without any support for those folks --

[buzzer sounds]

-- Then we'll be set back as a community in more ways than one. Thank you.

>> Mayor Adler: Thank you.

[Applause].

[3:23:14 PM]

Is [indiscernible] Here? You will be up next. Go ahead, ma'am, you will have three minutes.

>> Mayor, city council. Kind of in a huge mess here, I guess, and I'm not really sure what to say.

>> Mayor Adler: Why don't you state your name, please.

>> Liane land with western trails and we're between manchaca and pack saddle just south of Ben white. So we kind of see it everyday. I agree with a lot of everything that's been said today. But I think as we are in this mess, we need to look at moving forward and get something done and stop this pettiness and kind of spinning our meals. Let's get something done. I try to keep educating myself and I go down under Ben white and I try to meet with these folks and I'm learning a lot about the reality of their lives, but also while we want to get them hoves, I've met people that have homes and they like hanging out under Ben

[3:24:15 PM]

white. And why? Because they've got their beer and liquor right there. This was told to me yesterday. I've got my beer and my liquor and I go down a little bit farther towards Lamar and get my drugs. I have a house, but I don't want a job and this is just a great location to hang out. And he's not the first person I've met that just goes to socialize and drink. So I mean, maybe that might be a place to start with getting those folks that do have homes, why do they -- is it just a social thing that they want to do their drugs and drink? And not all of them. I know there are good people down there and I've met really good people too. But again I'm trying to learn what it is they need and want. And I just go and listen to them. But we need to do something. Right now this is just -- we're just stuck in this place and it doesn't look good for any of us. And it's not helping. So I would just say let's get something done, get along, stop bickering.

[3:25:16 PM]

And I do appreciate the work that everyone is doing to try to solve this, but let's really dig in and get something done. And soon. Please.

>> Mayor Adler: Thank you.

[Applause].

>> Mayor Adler: Is Pamela Bryant here? Pamela Bryant? You have time donated from Kathie Mitchell. Is Kathie Mitchell here? You will have four minutes in a moment. Sir?

>> We have to be very careful when we talk about homelessness, not to talk about it as an issue. These are people.

[Applause]. And also, part of these people, we don't usually count people with disabilities that are in nursing homes or the state schools that we have. That's also a homeless population. And we did a good thing by decriminalizing minor things. And yes, I want people to be

[3:26:17 PM]

safe, but I'm not concerned as much about the homeless people harassing me. I am concerned about drivers when I have the signal making turns and almost hitting me. I've been hit in this city several times pretty seriously, and that happens to people with disabilities all the time. And we have to understand that people don't want to be homeless. They may have had a minor issue, they may have had some issues in their past. I myself have, you know, technically been homeless, couch surfed and been lucky to have stable housing. But we need to make sure that we don't have the governor at that capitol coming into our city and deciding what we do with our city and our people.

[Applause]. Treat people like people. And I see a lot of intolerance masked and

[3:27:24 PM]

religious speak and nimbyism. And as a person with a disability I've always had to deal with nimbyism. Because if they don't like somebody who is homeless, they don't like me either.

[Applause].

>> Mayor Adler: Thank you. Come on down, Ms. Bryant. Is... Let me see what I might have here. Is David Johnson here? David Johnson? What about Jacob porter? Go ahead, ma'am. You have four minutes.

>> My name is Pamela Bryant. I am a woman with lived experience and homeless being one great key factor, but I have one question for any and everyone to think about today. What if it was you on drugs

[3:28:25 PM]

with no help, mentally unstable to make the proper decision? As a returning citizen and homeless, what would do you for you? So I just ask that the mayor and anyone else would come up with a solution for their selves as they ponder on what would be the best choice for a person that does not have the capacity or the mind to be able to make a good choice to say that I want to stay in this? I don't think -- Austin is beautiful. I don't think people that would be in their right mind, if you're not on drugs or you're on alcohol or mentally or some type of lived trauma that would have you sit outside and live, just live out there. Rain, snow, everything. I go out there, I minister to people. I see people crying because returning citizens, someone said on the panel, like what do you do with repeated offenders? Well, Texas don't give you a place to stay. So if you don't come up with

[3:29:27 PM]

a solution, they're going to be back. You can say you don't want them on your steps, you don't want them here, and everybody has a choice say where they want people to be, homeless is not going nowhere, drugs is not going nowhere, mental issues are not going anywhere until everybody that got a good mind come to a solution to help people that have lived experience and trauma in their life, whether it be sexual abuse, mental abuse, physical abuse, what type of abuse, because everybody I know somebody, they know somebody that's been locked up, somebody that's been in a mental hospital. You hide it very well. Somebody that got a drug or alcohol problem. And don't think I'm just saying what would you do? As you go, anybody that's going to make a call on this bill about where -- I don't think no homeless people should get locked up because they have a drug problem. They ain't got nowhere to go. Because they got shame, guilt and they just don't have nowhere to go. And you can't do nothing. If you got complacent with

[3:30:29 PM]

just doing drugs and alcohol from somebody sexual abusing you or doing something that they didn't do, and it's mostly people that are higher up that do stuff to people and then they hide behind some degree or something and tell us that we are nobody, but I go down there with the homeless and I know how to tell them, why don't you come and meet me on November the 4th and we can see can we get a solution together. I think I could come up with one better than saying put them in the jail because that's not going to do nothing.

[Applause]. But they're coming right back out. The state of Texas right now holds -- the state of Texas holds the highest one of the recidivism rates right now in the country. So they coming back out. So I just think that we could stop pointing fingers on who is the place because Austin is big enough to do everything. It's beautiful out here. We can build some stuff or put some money together, if we're building a billion dollar homes over there, y'all know out there in Westlake, all of them places. So I believe we can as a

[3:31:30 PM]

person and people strong city. I was homeless when I came here, and I made it out. But I had to have people. And I believed in myself and I had shame, guilt, but nobody was kicking me to the road and telling me they were locking me up because I didn't have anywhere to go. I don't know what you can do with the people, I don't know, but I know if you lock me up and you take my family pictures, you will have a problem.

[Laughter]. You know, and they're going to have a problem with you. You know, I don't want them -- I don't want them around my grandkids. I have eight grandkids. Do you think I want them by me. I be saying, hey, sit down. But someone got mental problems. So I seen a grown man cry --

[buzzer sounds]

-- This weekend. So just think about that.

>> Mayor Adler: Thank you.

[Applause]. Justin Barry, why don't you come on down. Go ahead, you have three minutes.

>> Had I not gotten a donation of time?

>> Mayor Adler: Who donated you time, do you know?

>> Alexa.

[3:32:31 PM]

>> Mayor Adler: Is Alexa here? What's her last name? Why don't you come down to the clerk, please? You have four minutes.

>> Hello, my name is Jacob porter with the law firm Deckert, llp. I'm also a lifelong district 5 resident. I'm here to speak as pro Bono council. Austin has made tremendous progress this year, becoming a leader in homelessness policy. The progress includes the city's action plan to end homelessness and nearly \$63 million in funding for homelessness initiatives. In June the city took another important step forward when it modified its camping, sitting and lying codes. The message to Austin's homeless population was being homeless is not a crime, seeking your basic human need of shelter is not a crime. The law center thanks the city for these efforts to address the root cause of homelessness through

[3:33:32 PM]

positive, non-punitive policies. Today the city is considering modifying city codes 9411 and 9414 to reverse this past year's reforms. The city council should reject the proposed ordinances because they are all a stepped back toward the old failed policy of criminalization. No new laws are needed here. There are already laws on the books to promote safety and health standards. While greater clarity AIDS both those enforcing the laws and those subject to them, the city can achieve any needed clarity without new legislation such as through the updated police training bulletins promulgated by chief Manley earlier this month. The proposed ordinances returned to a punitive approach to homelessness, which has never worked. Both councilmember kitchen's and the mayor's draft ordinances allow enforcement without a law enforcement officer even offering alternative shelter to someone accused of someone R. Camping, sitting or

[3:34:32 PM]

lying. The ordinances do not plain how compliance can be achieved by someone who has nowhere else to go. These ordinances also fail to account for disabilities that might affect someone's ability to reach an alternate shelter. As detailed in the law center's in-depth report, house, not handcuffs, it costs cities like Austin more to address the problems of persons experiencing homelessness through criminal ordinances such as the ones that you are considering today than it would cost to provide adequate housing and actually solve the underlying problem of homelessness. Passing a criminal ordinance doesn't make clear to your constituents the costs of enforcing those laws. Instead, the same funds could be directed to providing permanent housing which would more effectively address the health and safety related issues that the sponsors of the ordinances today wish to alleviate. For these reasons and others, Austin should not take a step back. It should continue to lead the state and the nation in smart urban policy and kindness toward all our neighbors. Thank you.

[3:35:32 PM]

[Applause].

>> Mayor Adler: Thank you. Is Greg Wilson here? No? What about gale holtzel? Why don't you come on up. You have time donated from drew. So you will have four minutes in a moment. Go ahead, Mr. Barry.

>> Thank you, mayor. Good afternoon, everybody. We're here today to continue this conversation and debate about how we're going to handle this homeless crisis we have here. In listening to everybody one of the things that I would recommend is when we look at this issue we have half that are promoting for the truly and the vulnerable homeless members of our community that are vulnerable to being victimized, vulnerable to the elements and a lot of situations. You have the other half that are concerned deeply for the public safety of this community, those that have been either victimized by homeless people experiencing mental illness or engaging in criminal behavior. Well, how can we go ahead

[3:36:34 PM]

and combat ensuring the safety of our community is in high demand before you while ensuring that we take care of our most vulnerable members of the community? Part of that is letting our police officers engage and utilizing their discretion. That discretion is the humanitarian component of policing where a police officer can look at the human side of what's going on with a situation and listen to this person who may be experiencing homelessness. You may not have a place to go, but you are blocking this person's private business or obstructing this pathway or scaring people because of your approach and you asking them for money. It's engaging that element we've done for years and years and years before all these changes came about, which is why reinstating the homeless approximate policy with had and rescinding the freedom policies that handcuff officer's discretion on the level class C misdemeanors is vitally important going forward. It will help you solve your problems. It will allow officers to go forward, engage in the community, but also be able to enforce the low level misdemeanors as needed to

[3:37:35 PM]

make we can ensure the peace of the community. So as you go forward and look at that, rescinding the ordinances and reinstating those homeless policies isn't necessarily going backwards. It's going back to a time where we had stability in our community. If you need more training in officers, then let's give us more training on what the community's expectation is of our discretion, which we do a great job. Chief Manley has said time and time again our officers do a great job and we get compliance 98% of the time. Our officers do that already. Let's give us back the discretion that the officers need to utilize the humanitarian component that's expected of our community and let's ensure we can keep community

safe same allowing you the time you need to come up with solutions and helping the vulnerable population of the homeless community. Thank you for your time.

>> Thank you.

[Applause]. Is patrine Sackett here. Go ahead. You have four minutes.

>> Hi. My name is gale hoeltzel.

[3:38:36 PM]

I've been a resident of Austin since 1972. I graduated from UT and retired as a teacher from aisd of a close to 30 years. My roots are here in Austin. I'm also a member of the group take back Austin that has over 5,000 members. We are relatively new group, but we are growing by 200 people per week. I'm here to speak to you about this homeless situation and how it is affecting the whole city. I'm a common sense person. And I have to wonder why solutions were not in place before these laws were rescinded. I mean, that's just -- you know, first I feel there needs to be a clear distinction made between being homeless and a vagrant. Currently they are being grouped as one. Citizens are being told \$65 million is going towards the homeless issue. So does that mean no money is being allocated to deal

[3:39:37 PM]

with the vagrants? We hear housing is a solution, but how are you going to force someone to move into housing if they do not want this responsibility or they're not responsible. Eight million has been spent for a homeless shelter by banister lane, but no quote has been given on renovations to turn this into housing or where the money will come from. We need transparency and an accounting of how our tax dollars are being spent. If governor Abbott does step in on November the 1st to help clean up these camps, is money that was possibly allocated for this going to be put back in to the operating budget? We cannot expect governor Abbott to solve our problems. The citizens of Austin are angry. We're responsible people who go to work and pay taxes. We are harassed by panhandlers and see these

[3:40:40 PM]

camps. There are wants and there are needs. We need lower taxes and better city services. We cannot afford your wants. The enrollment of aisd has declined over the past six years. Families or middle income individuals can no longer afford to live in Austin. In summary, we are being overtaxed by not needs, but what you want. This is a city-wide issue. A tough love stance needs to be taken against people living on the street. Panhandling must be outlawed as well as the camping ban being reinstated. You are enabling this lifestyle, which is attracting others to our city. Austin needs to become an

[3:41:40 PM]

affordable and safe place to live again. Give a man a fish and he eats for a day. Teach a man to fish and he eats for a lifetime.

[Applause]. There you go. That's it. I guess I was quick.

>> Mayor Adler: Is liane Starkey here? Come on down. Go ahead, you have three minutes.

>> Katrine sackert. I have two answers, camping in the public area prohibited, well, it's not safe and you don't really want to allow it. It's dangerous for them. It's not a healthy way of life. Yet if you don't allow it, that means cause for wrongful arrest by police or sent to a mental institution, that's not an answer either. There's no answer of making Mo shelters because in today's society I think it becomes null and void to resolve the homeless

[3:42:41 PM]

problem. There's not even a

[indiscernible] Properly. We can't get the educated people in the upper university people want to take a lot of the jobs because of a lack of pay and they want more pay. And the lower level don't really have enough experience to resolve the job and to do the work necessary with the amount of people. So I hate to say this, but I have two answers for you in supporting this. It's so dangerous and it's really not healthy, yet I don't want to make it against the rules because I don't want to see them in jail or a mental institution either because that's not an answer. I wish I could help you. If there was a way I could that would give you more funding to come up with programs to resolve this housing, but shelter, I don't personally support that because we've had shelters since I was a little girl and I've seen them -- they don't resolve a lot of problems. They don't really take a lot

[3:43:42 PM]

of people out of homeless. They just move from one state to another and they get dumped into the shelter and that's not an answer either. And unfortunately we can't get the university level people who want to make good earnings to want to take the jobs and the majority of the positions in shelters. And I don't mean badly and I don't mean to be cruel, but a lot of the lower level don't have the skills necessary for them to learn anything to make them work to resolve the homeless problems, which would get owe rid of the camping problem.

>> Mayor Adler: Thank you very much. Thank you. Is silver white mountain here? Go ahead.

>> Good afternoon, city council and mayor. My name is liane Starkey and I'm here to say I would like the ordinances to be reinstated and the homeless sheltered at the same time. You have the means to do it. The homelessness that exists

[3:44:43 PM]

in Austin is unacceptable. I kept wondering when is Austin going to step in and help these people? We've always been a helping city. You've never seen this to this level before. I live in south Austin and I travel between Westgate and banister. That's my loop. And I see everything. Today on the way here a man was pulling up his pants from using the bathroom. Next to me, next to turning on to congress, and I got a little note here that somebody sent a videotape that they were eating at a taco place and the person urinates right next to them. That is unacceptable. Why haven't you helped the people living unsheltered. You have had the means and money. I spoke with a homeless woman the other day and she says oh, no, I travel the rail lines. And when I heard you could camp anywhere, do drugs, drink without the police bothering you, she made her way to Austin. And she says, I don't want any help. I'm not going to use your money. I just want to be on this

[3:45:44 PM]

land. She wants to live this way. Some of the homeless have even said that when the ordinance changed, their lives became more dangerous in the encampments. Removing the ordinances made us a freedom city. People to live and encourages people to live lawlessly. This is a country of laws. We are a city of laws. And we need to get back to that. This is not what austinites want. The ordinance were removed in the anticipation of someone that would take you to court. You had time. You had time. If you waited you could have shelters and resources ready before you made changes to the ordinances. And this is something we probably could have been behind. The whole city could have

[3:46:44 PM]

been, something better than what you gave us. I do not want people punished or targeted for being homeless. This did not have to be a housing thing. You guys for three years have had reports. Your own city of Austin audits that said F, you're failing at creating affordable. Three years.

-- Creating affordable housing. Three years. I understand the concept and I do believe that people would instantly become healthier with being sheltered. It does mean without the services to back it up they would be on the street. I have concerns about what you say and what you actually do. If affordable housing is a priority, then how can you be -- I've got to say this, demolished -- you demolished 23

hundred affordable housing units, mostly family units for hispanic and African-American people on Riverside. You have now approved another 1400 --

[3:47:45 PM]

>> Mayor Adler: Thank you, ma'am.

>> I spoke to another homeless woman oh --

>> Mayor Adler: Ma'am, thank you very much.

>> Give us rules, guidelines and consequences.

>> Mayor Adler: The next speaker is silver. Is Randolph Bennett here? No? What about Susan pelequin. Why don't you come occupy. You will be next. You had time donated from Darla Taylor? Did you want to donate your time or want to speak? Donated time. You will have four minutes. Is Jackie Boucher here.

>> We have been called to help solve the homeless predict meant. I said no. You see, council, I'm not touching this one because I had informed your predecessors. I mean, the previous,

[3:48:45 PM]

previous city council about the homeless being neglected. I also subtly informed y'all, but I guess you didn't pick up on it. Look backwards at the video and say there it is. Now that it has snowballed I'm having the time of my life watching this one play out all over the city in the prominent areas that everyone is complaining about. Approve a resolution relating to camping and other issues for people with homelessness in the city of Austin. Kathie tovo, other councilmembers were the sponsors. Now you are becoming more humbling so your personality

[3:49:45 PM]

is very becoming now. And thank you to the mayor for not giving in just yet. I want to watch this real life movie a little longer or until it plays out. It might be longer than my lifetime. Number 32, approve resolution directing the city manager to assess additional opportunities and make [indiscernible] To engage and assist individuals experiencing homelessness. Sponsors, the mayor, mayor pro tem Garza, Natasha harper-madison, Sabino Renteria. Harper-madison, you are exempt in my book since this is your first go round. Man, look at all these people who sponsored this one now. A little too late. Y'all just didn't care enough to put forth the effort until it was too late and it's now out of control. But good for me batching this play out all over the city. Thank you. Like I said, this one fell right into my lap.

[3:50:47 PM]

Now you need to get to the root of the problem. It has to do with the nonlegals. I have a new name, formerly the undocumented. Thank you again. I mean it literally. Not just figurely. City manager, you earning your money now. Are you 40 yet? You just might start showing some gray real soon.

[Laughter]. Thank you again!

>> Mayor Adler: Thank you. I think you have four minutes. Jackie will be up next and then David king you're on double deck. Go ahead.

>> Mayor Adler, city councilmembers, my name is Susan and I have lived here for 33 years and have never seen a situation such as this brought on by you, mayor, and city council. This is a travesty and my husband and I are so glad that governor Abbott is standing up to all of you and will right this

[3:51:49 PM]

dereliction of your duties. Governor Abbott used Dallas as an example of how to deal with the homeless epidemic, but you and the council are using Los Angeles and Seattle on how to deal with this problem. Not very smart. After the homeless laws were rescinded I had just parked my car at my H.E.B. And a large man in a motorized wheelchair came up to my car and another. Had he not moved after I shook my head no, I would have not been able to leave my car. It so concerned me that I had the store manager walk me out to my car after shopping. I was telling this story to a worker at a post office miles away. I did not tell her the race of this man, but she asked me if he was black. She was also black. He was, same guy. She told me that she had to run him off several times a day for bothering customers. So this man is mobile and making the rounds. This

[3:52:49 PM]

week one of the store managers told me he had to get a truck to go around and get all the stolen grocery carts that had been taken by the homeless. A truck. And the tents under and near the nearest underpass are an eyesore. I listen to a lot of your planning meeting on Tuesday and honestly I got tired of hearing the word clarify. The homeless laws need to be put back in force now, folks. We do not need further clarification on how you are ruining our city. As governor Abbott said in a letter to you on October third, sir, I quote, your homeless crisis is threatening residents. Fix it or I'll fix you, unquote. Thank you very much.

[Applause]. David king, you will be up here.

>> Jackie Bouchie, district 5. This is the third time I've before before you and I'll say it again. There is a difference

[3:53:51 PM]

between homelessness and vagrants and our brief is with the vagrants. Nobody again is against helping the truly homeless. I'm from a family of seven. I grew up in temple, Texas. My mother had to deadbeat ex-husbands and for a period of time for about six to probably 10 or 11 months, my mother and her seven children lived in a couple of tents between temple and Belton lake. She made the camping fee going back and forth until working two jobs she was able to get into a rent house. She never panhandled, she never used us as pawns. She was able to work and get into a house because that's what was right. I was brought up, you didn't get anything unless you worked for it. I have a house, I have a job. I've worked my entire life.

[3:54:53 PM]

That's how my daughter was raised. That's how people should be. The people that are out here causing all the people, they don't want to work. They want to give -- they want to be given all this free lifestyle and hanging out. They get to drink beer, do drugs, play card games and dice, play on their cell phones. Use their computers. Over at manchaca there are several, and lay around all day at our expense. They deserve nothing. The truly homeless people are getting help. If they're not getting help, those are the people that need to be helped. They're not under the overpasses. There's a difference. And people here need to remember that. There are knows who want hem and need it and there are those who don't want help and they're not going to take it.

[3:55:53 PM]

And those people who are giving the city the black eye and are causing the trouble to tourists and to residents who are getting assaulted and causing the crime and making good people leave the city who pay taxes, and it's ridiculous that we are in fear walking to and from stores and our jobs, dealing with drug addicts and all the nudity and everything else. I mean, I came from rough up bringings. But I didn't let that choose to diminish how I live my life. I'm doing what's right because I made a choice. Just like the other woman who spoke earlier.

[Buzzer sounds] She made a choice. Y'all need to repeal the ordinance completely.

>> Mayor Adler: Thank you.

[3:56:56 PM]

Is Bethany Carson here? No? Go ahead.

>> Thank you, mayor, mayor pro tem and councilmembers. Some of the comments I've heard tonight bring me back to my childhood. We had seven kids and I had a mother and a dad. And my dad was sick and my mother worked two jobs, most of her life until the final few years of her life. When school was out we would get in our rambler because the lease was up on our house. We couldn't pay rent. We had to go to California to pick berries and then to Oregon. And then to Washington state state. To pick fruit and berries. When we left there we didn't know if we would have a place to stay. When we got there my dad would go around and say do you have a place? We're going to pick berries,

[3:57:58 PM]

we're going pay the rent. When we didn't have a place to stay we would go to the city park and live in our car. We would go down to the uada and get the free food to help our family. So my heart is with the homeless people. And I believe your hearts are too. You're going the right thing and I ask you not to roll back one eye oat to for what you did. And I believe that what you did is effective and will be effective, unlike some people on the dais. And I hope that you will continue to do that. And I for one am tired of being dictated to by a Republican governor who could careless about homeless people in our city.

[Applause]. And I'm glad that you have the backbone to stand up and to ignore that and to continue to do the right

[3:58:58 PM]

thing because -- do you know what? There's hope. We're working on getting someone else up there in the governor's office. And that will happen I hope sooner than later. And then on to the next office way up above that. In the white house. All this stuff does trickle down, the meanness, the meanness and racism that comes through. Yes, that's what it is. When I see white people up here talking about homeless people and saying look what I did. Well, guess what, white people, you've had privilege all your life.

[Applause]. Mayor, you know, I'm doing this today because I can't clap because I cut my finger, but I do respect that this is the right way to respond, and I do appreciate your support for me, for what I'm saying. But I -- but I --

>> Mayor Adler: Hey, hey, hey. No, please.

>> I do agree now is the time, the homeless people feel like, hey, I'm not gonna be arrested, I'm not a

[4:00:00 PM]

criminal, I can come out, I can be a human being I don't have to hide away. Now is the time to count them so we know the level of resources we need.

[Buzzer sounding]

>> Mayor Adler: Thank you very much. Is Amanda Wu here? Come on down. You're our last three-minute speaker. We're now down to one-minute speakers. Is Claudia kusha here? Come down. You'll be next. You have time donated from Johnny kusha. Is Mr. Kusha here? No? You'll have one minute.

>> Go ahead, you have three minutes.

>> Thank you. Good afternoon, mayor, councilmembers. I'm a resident in district 9. My name is Amanda wug, executive director of the Texas [indiscernible] Our mission is to fight the criminalization of poverty and that's why we're here doing the work we are today. It seems like the solution to this is really how you phrase the problem. So for some people the

[4:01:01 PM]

problem is that people who are experiencing homelessness in our community are visible. For me, and I think for most of you all, based on what you did in June, you saw the problem in the fact that our neighbors and the people in our community are experiencing homelessness. And when you recognize that problem, that our neighbors and the people who live here in Austin, Texas, do not have homes and shelters, then the solutions you look for are more deeply rooted in addressing the root causes of homelessness. And so that's why you did what you did in June. You rolled back those ordinances because criminalizing people's existence does not help them address the problems that they're facing. Our clients at the Texas fair defense project, we defend people who get caught up in these cycles of poverty, where they are ticketed, they are arrested, they have warrants out, they

[4:02:01 PM]

are jailed, and they end up in this kind of downward spiral simply because they don't have the resources to get out of it and because they are facing the brunt of the criminal justice system that does not provide solutions, that help address the actual problems that they were facing. And that is why we supported the ending of the criminalization of homelessness here in Austin, because we knew and you all knew that that does not solve the problems that our community is facing. In the future, that is not gonna be the solution. You recognize that rightly. You relied on the research that your staff did on the report that showed what happened when people were ticketed for their homelessness, what happened

when they were unable to show up to court when they had arrest warrants out, how that affected their chances of receiving housing and of getting jobs. That was the wisdom of what you did in June, and I encourage you all, as we

[4:03:02 PM]

move forward, to move forward for us as a community to face what is causing this problem for our neighbors and not to go back to this knee jerk reaction that our country has really been doing for the past 40 years, which hasn't helped, of police, incarceration, surveillance. Those responses do not get to the problems that we face as a community and a society. So I encourage you to rely on the wisdom, on the research, on your own experts here in the city.

[Buzzer sounding] To forth a path forward that gets to the root of the problem and doesn't have this knee jerk reaction that we know doesn't work. Thank you.

[Applause]

>> Mayor Adler: We have about 20 people left to speak. I appreciate the people that are helping us maintain decorum in here. It was pointed out to me somebody yelled out a profanity that I missed. If I hear that and see that

[4:04:02 PM]

I'm going to ask the person to leave. Go ahead. You have one --

>> I'm not here to ask you for anything. I've stood before you and asked you for help before. Your arrogance is palpable. It's disgusting. I'm here to tell you congratulations for uniting the citizenry of Austin. Every party, every race, every socioeconomic are against everything you've done, and I met with the governor this week, and he is going to come in and fix this problem. I want to personally thank governor Abbott for listening to the pleas of this citizen because you ignored them. An kitchen, look at me, I'm in your district and you know I was attacked under the bridge. You people don't care. Your arrogance is disgusting and you disgust me and I cannot wait. Thank you, thank you, governor, I appreciate you coming in here and fixing this problem. I've said enough. It took me less than a minute to tell you what I think of you.

>> Mayor Adler: Is penny Adrian here? Why don't you come on down.

[4:05:07 PM]

Is Brian register here? You'll be up next. Go ahead, you have one minute.

>> Thank you. Hello, my name is penny Adrian. First of all I'd like to remind people that the vast majority of sexual predators are housed. There's even a sexual predator living in the white house right now, and I need to hear more concern about that --

>> Mayor Adler: Hey, hey. Come on, come on.

>> Homeless women and youth are those at greatest risk of rape, assault, harassment, and murder in the city of Austin. Yet I have not heard governor Abbott or downtown Austin alliance or take back Austin express any concern for their safety. The most vulnerable neighbors. The reason it is vitally important to let homeless people, especially homeless women and youth, sleep in public in broad daylight is because it is so much safer for them than sleeping alone in the shadows.

[4:06:08 PM]

Homeless women and youth are less likely to be raped sleeping on a public sidewalk during the day.

[Buzzer sounding] Than they are in the shadows at night. Please consider their safety. Thank you.

>> Mayor Adler: Thank you.

[Applause] Is crystal Erickson Collins here? Why don't you come on down. You'll have one minute. Go ahead, sir, one min.

>> Brian register, small government conservatives if you can find any, libertarians all agree we should not have the government going out of its way to use force unless absolutely necessary. They'll camp legally in public where we can see them. Those are the options. Having no homeless is not an option until housing is available so you guys can get with that. Why would we have a law that literally cannot be followed? You'd have to die to follow the law against ever sleeping. You can try to send vagrants away but some city has to be available and since no city is special that implies every city has to be

[4:07:09 PM]

available. You can't ban living. Seeing that people aren't blocking businesses and so forth is reasonable. Some parts of item 29 are reasonable. If you feel the need to pass some formal please delete parts five and eight essentially reinstituting the rest of the ban. Items 30 and 32 seem constructive. Opponents of homelessness decriminalization seem to believe in magic. Some believe you created the homeless in June with a reverse Thanos snap, but you didn't.

>> Mayor Adler: Thank you very much. Is Mary murgler here? You'll be at this podium.

>> Hi, crystal Erickson Collins, and I want to say that you did not make a mistake. I want you to stay strong. I know it's really hard and there are obviously a lot of people with very enpassioned views but did you not make a mistake in June. I want to address a few things said today.

[4:08:09 PM]

40% of the homeless, people experiencing homelessness, they have jobs. Most want a place to live. They want a house. And you can find the exceptions. You can find the stories of the individuals that feel differently. But if you continue with the homes first policy and you get people housed that want to be, you will find that the problem that exists after that is very minimal. You will not have a problem with the people that don't want to be housed. So if you put that policy first and you continue to work on that, I believe that's the solution. Words that were spoken today about people experiencing homelessness, epidemic, eyesore.

[Buzzer sounding] Black eye, language matters. Thank you.

[Applause]

>> Mayor Adler: Is Shane Johnson here? Why don't you come on down. You have time donated by Omar kadir. Is Omar here?

[4:09:10 PM]

No? You'll have one minute. Go ahead, you have one minute.

>> Thank you. Good afternoon, I'm Mary murgler, attorney with Texas appleseed and resident of district 10. I'm here to express our unwavering support for the changes council made in June and our opposition to any additional restrictions that would recriminalize camping, sitting, or lying down in certain places. I focused on criminal justice reform at Texas appleseed and hear from people on a regular basis trapped in a cycle of debt and incarceration, unable to get or keep a job, all because of unpaid tickets. It's a cycle that anyone can escape if they have the money, but those without money lose hope of ever exiting it. And by decriminalizing camping, sitting and lying you've prevented people who are experiencing homelessness from being pushed further into poverty by fines and warrants and driver's license

[4:10:11 PM]

suspensions, jail time and criminal convictions. I know you've heard this all before.

[Buzzer sounding] But I appreciate the opportunity to talk to you about it one more time.

>> Mayor Adler: Thank you very much.

>> Thank you.

[Applause]

>> Mayor Adler: Is Alma Garza here? No? What about --

>> Here.

>> Mayor Adler: Okay. Come on down. Go ahead, sir.

>> All right. Shane Johnson, district 3. So I want to touch on how when an Apa officer says bring back officer discretion, he means allowing an officer to arrest a person for peaceably sleeping, lying or otherwise living without aggressive action on the street to meet their basic human needs, and most of us know that any officer discretion is always colored with significant racial biases. Allowing people to camp under overpasses, sit and lie down, police can still arrest for assault, trespass and other criminal laws.

[4:11:11 PM]

Yesterday Austin's major departments in executive session reported there was no increase in crime communicable diseases, feasts or needles in parks or additional human waste under overpasses, in other words no public safety health or public order crisis. Democrats -- this is my last sentence.

[Buzzer sounding]

>> Mayor Adler: Thank you. Thank you. Ma'am, go ahead.

[Applause]

>> Mayor Adler: Is solvege

[indiscernible] Here? Mr. Prsxis? Ms. Praxis, apologize. Is Tommy flores here? One minute. Go ahead, ma'am. One minute.

>> Let's work together to

[4:12:12 PM]

try and improve and to make it better I guess for everybody because I'm just going over my head with all these things that have been spoken. As you can see up there the pictures we have there from homelessness. These people are willing to work but don't have the way to work. I have a business of landscaping, tree trimming and all that. They're willing to work. If they have more equipment maybe they can get up and go work. I've seen a lot of people working. They have three of them, they turned from drugs and now they got together, we gave them a truck and now they're doing what kind of job? Moving furniture. Since I've been here they've been speaking about dogs and cats, even on TV, when holidays come, and let's deposit \$19 a month. What about the human being? What about the homeless? I just want everybody to think, I'm gonna make it short, thinking Thanksgiving and you're sitting in your

homes, and Christmas, and while they're out there in the cold with nobody around, nobody to care for them.

[Buzzer sounding] I just want you to keep --

[4:13:13 PM]

and keep --

>> Mayor Adler: Thank you.

>> What the bible says. That's what I want you all to keep, feed them and clothe them.

>> Mayor Adler: Thank you very much. Is David Johnson here? Mr. Johnson. You'll be up next. You have time donated from Michael Lewis. Is Michael Lewis here? No? So you'll have one minute in just a moment. Sir, go ahead. Please, introduce yourself.

>> Good evening, your honor, members of the council. I am stunned. Wow.

>> Mayor Adler: State your name, please.

>> I've been halfway around the world and never seen such bitterness.

>> Mayor Adler: What's your name for the record? Just introduce yourself.

>> Tomorrow flores from new Mexico. The only other place other than Austin, Texas, where you see the same thing, stepping over people on your way to dinner. Over there I call it supper. It's -- I traveled a long ways to see the same thing I ran away from.

[4:14:15 PM]

I'm gonna tell you, Mr. Mayor, don't provide these people housing, you might as well adopt them. You'll never -- they'll never go on their own, you're gonna pay their water, light, their gas. Like I said, you might as well adopt them. For the members of city council, like I say, I've been doing this kind of -- I've been in this

[indiscernible] For about 60 years. I came all the way to Austin to celebrate my birthday. My daughter's - my granddaughter's birthday was on the tenth. This Saturday we have plans to come to the state capitol.

[Buzzer sounding] My time is up.

>> Mayor Adler: We appreciate you coming. Thank you. Is Julian Reyes here? You'll be at that podium. Reyes. Okay. Go ahead, sir.

[4:15:17 PM]

One minute.

>> My name is David Johnson. I'm part of the homeless not handcuffs coalition, I represent Texas grass roots leadership. I have the privilege of having a car and being able to pick up my son when an emergency popped up. I'm happy to recognize that privilege and thankful that I got to listen in on this on my way here because I would not have heard the absolute garbage that came out of the mouths of members of this community. You should be ashamed of yourselves. All of you who speak about individuals and human beings as though they are objects to be cleaned up off the streets and speak about how difficult your life is as though your certainly existence is the one defining standard by which success or failure should be measured. It's abhorrent and abjectly disgust to go here other people talking about individuals as though their poor circumstance is solely a result of their choice. That is a definition of privilege in and of itself. Worst of all are those of you on the dais in front of me who see fit to try to placate and cater to those

[4:16:20 PM]

same bigots by rolling back.

[Buzzer sounding] Something that was done in a honorable and humane way because you're worried about what? An electorate that doesn't integrity in and of itself.

>> Mayor Adler: Sir, thank you very much.

>> Rather than staying Progressive and recognizing that Progressive is not something you simply lay on yourself because it feels comfortable and will make you feel comfortable.

>> Mayor Adler: Sir, please. Thank you.

>> Thank you.

[Applause]

>> Mayor Adler: About 15 more people as we work through the group here. Go ahead, you have one minute, sir.

>> Go ahead and play the videos. That's what I have to say. Get the audio.

[Video]

[♪ Music ♪]

[4:18:20 PM]

[Buzzer sounding]

[Applause]

>> Mayor Adler: Jennifer fleck here? Jennifer fleck? What about mark Dolan? Come on up, sir.

[Applause] Is drea Burbank here? Hang on one second. Go ahead, sir. You have one minute.

>> My mark is mark Dolan. I didn't intend to speak until I heard the use of the word anecdote. I'm the anecdote. It's an anecdote at your neighbor's house but it's real within my house. I was assaulted and during the course of that assault prior to my -- there was four women tourists, mind you, that were being assaulted by the same man. I'm not casting aspersions of why homeless people, most of them I would say in my work with them, magnificent house in Houston and community first here, there's a subsegment of this

[4:19:22 PM]

group that we've got to get off the street and we have to let the police do their job to get there. I'm here to tell you I am the face of a victim of a homeless man. And it was unpleasant, and it was unpleasant seeing these women getting beat up. I'm sorry that I offend people, but it was painful experience for me, and we need to do something.

>> Mayor Adler: Thank you.

>> Whether it's tents or no tents.

>> You're here.

>> Mayor Adler: Thank you. Is sherry Taylor here? No? Sherry Taylor? What about Cheyenne wells? Cheyenne wells? What about Heidi Sloan? Why don't you come on down. You'll have one minute.

>> Hi, my name is drea Burbank, I'm an MD -- physician. I create technology for public health. I think Austin is a creative community facing a tough problem and I just wanted to offer an immediate solution.

[4:20:23 PM]

The impulse app is in beta testing, tourists can use it to give money to a panhandler and funds are directed to a nonprofit within 5 miles. The city can adopt it and recommend it to their tourists. Nonprofits can sign up for free and downtown business cans advocate their clientele use the app instead of giving cash on the street. Thank you for your time.

>> Mayor Adler: I'm going through my list here. I think Mr. Sullivan already had a chance to speak. Is Margaret Brookshire here? Why don't you come on down. You'll be up next. Go ahead. Ma'am, you have one minute. Go ahead.

>> Me? Okay. I'm sorry. I thought you called me Matt.

>> Mayor Adler: No, no. Introduce yourself, please. You have one minute.

>> My name is Cheyenne wells. I don't have a whole lot of time in one minute to say everything I'd like to say but speaking from my own experience I am a single female who has been homeless

[4:21:24 PM]

now going on two years. My definition of home is where my love flows the strongest, which is within myself so I'm always home no matter where I'm at. My next place that my love would flow would be to my significant other, and sadly I haven't had one in over a decade. So I'm a woman out on the streets completely alone. I don't have a partner. I don't have anybody to help me get firewood or gather water, things that I need to live every day and things that are necessities for me to be able to keep a productive job and be able to go to that job and be a productive employee. I have been attacked in what I call my home. I have cleaned up around where I stay. I stay underneath the bridge at Cameron road and the U.S. 183, which is also east Anderson lane. There's a creek back there that has a lot of wild allow life. I absolutely love it. My cats love it. I've seen a lot of weird things happening to the people around me. I'm constantly trying to get my neighbors involved in

[4:22:24 PM]

instilling community.

>> Mayor Adler: Thank you.

>> And working together to accomplish what we need to.

>> Mayor Adler: Thank you very much for your time.

>> I've reached out for help. I've had no help from A.P.D. As well as other government agencies so if anyone here is taking any of this situation seriously it would be nice to get some help regarding this problem.

>> Mayor Adler: Thank you. Ms. After speak, the next person is Margaret Brookshire. You'll be up next. Ms. Sloan, go ahead. You have one minute.

>> My name is Heidi Sloan. I live in district 1. And I've been working alongside people experiencing homelessness for the last seven years of my life and I just wanted to take this opportunity, both to

continue to commend this council that seeks to limit harm in a really tough situation and also speak to those in the audience on both sides, saying what I think council intends to

[4:23:25 PM]

say, which is that harm is something we as a community grief, whether you have experienced harm at the hands of your neighbors or harm at the hands of a punitive economic system. But harm does not address harm. Hurting others, putting them in worse situations, giving them less resources does not limit the harm that you yourself are vulnerable to.

[Buzzer sounding]

>> Mayor Adler: Thank you. Introduce yourself, please. You have one minute.

>> Hello, my name is Margaret Brookshire. I'm a resident of kitchen's district. And I'm speaking in opposition to adding any more restrictions on what you can do as a person who is experiencing homelessness in this city. Including sitting, lying and camping. And in particular, I would like to note that I believe in part three in the sitting and lying down

[4:24:25 PM]

clarification, where it is prohibited to sit or lie near the south Austin housing center within one quarter mile, I believe that is too restrictive. Imagine if you are going to this center to receive services. You may have had to walk a very far distance and may be tired and you cannot even lie down or sit there to take moment of rest. That is too much. Additionally in the section on the enforcement process for the kitchen proposal, I believe the statement that we're never reasonable -- whenever reasonable.

[Buzzer sounding] A officer may contact the homeless outreach street team, that is too vague.

>> Mayor Adler: Thank you very much.

>> Thank you.

[Applause]

>> Mayor Adler: Alexander stringer here? Mr. Stringer, do you want to come on down? Is Camille uritte here? Camille uritte? What about Matt Michael

[4:25:28 PM]

reed?

>> Got a minute? Anybody want to donate some time to me? No? All right. Cool. Okay. My name is Alex stringer, live in district 2. At one point in time I ran against Mr. Adler for mayor. Still puzzled as to why I didn't win but that's not why I'm here. I'm here to talk the homeless camping ordinance. While I think there should no reason to fine them, because it's creating debtor's prison there are measures we need to do so we don't make this a refuge and safe haven for homeless people all over the state to go to. I wrote this to your secretary and I'd like to reiterate to what I said to Ms. Shack in this time period. So one of the things we should do is instead of punishing panhandlers we fine people for giving money to panhandlers for doing nothing. This way you discourage the process of panhandling and the process of creating a saturation of people urban camping. Another thing we need to do is we have this influx of scooters all the way downtown Austin and we should have specific parking spots for the scooters in

[4:26:30 PM]

Austin to create safer streets and also move these scooters away from our bars to limit drunk driving.

[Buzzer sounding] And pay the homeless to move hot scooters. Thank you for not cutting me off. I appreciate it. Last thing we should do is use our parking meter --

>> Mayor Adler: Finish your thought.

>> We should use our parking meters.

>> Mayor Adler: Thank you.

>> -- To help finance the.

>> Mayor Adler: [Overlapping speakers]

>> All right, all right.

>> Mayor Adler: Please, please. Mr. Michael reed and after you I think Chris Paige is next. Is Chris Paige here.

>> Was time donated to?

>> Mayor Adler: You'll have two minutes in just one second. Is Chris Paige here? Why don't you come on down to this podium. Go ahead, sir, you have two minutes.

>> Gap, my name is Matt Michael reed and I live in district 5. I'm here today as anion night saddened and deeply concerned by the actions of the city council and mayor to continue promoting policies such as the irresponsible ordinances allowing public camping and

[4:27:32 PM]

panhandling recklessly endangering the health and safety of our community. I applaud governor Abbott for his leadership on this issue and caring about austinites like me who want to keep Austin safe. Over the past several months camping and panhandling ordinances were repealed. I along with thousands of others have attended forums and council meetings to raise the alarm bells that we do not feel safe in our own neighborhoods. During this time it's become increasingly clear that the city quite literally forced this issue upon our doorstep without a plan and are making up policy as you go while our concerns fall on deaf ears. Tomorrow will be 30 days since my apartment and the homes of 26 neighbors were burned to the ground in a massive three alarm fire at the condo development at banister lane in south Austin, directly across the street from the proposed shelter. This morning it was reported by KXAN the fire department listed the cause as undetermined however they'll ruled out arson while leaving open the possibility of homeless camping being a factor.

[4:28:34 PM]

However, in speaking with dozens of former neighbors, building management, security and private investigators, many of us suspect it was likely caused by the press passing of homeless campers which had been reported to the city on multiple occasions in the weeks leading up to the fire. Mr. Mayor, you say that you care about the homeless, but what about ordinary people like me who have been negatively impacted by these policies? People who no longer feel safe in their own neighborhoods after dark? Again, I'm deeply concerned about these issues and strongly encourage you to listen to the police chief and police association and follow governor Abbott's lead to fully reinstate the no camping ordinance by November 1, to restore order and safety to our city.

[Buzzer sounding]

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is John Woodley here? No. John Woodley? You're up. Why don't you come on down, Mr. Woodley. Go ahead, sir. You have one minute.

>> Sure. So I'm gonna avoid all the

[4:29:36 PM]

rhetoric about whether or not a homeless person is a person. Obviously they are and have all the human rights that go with that. I do think that there's also some things that the city could have done -- do to improve their operation of trying to solve this issue. Keep the reform law in place. You should continue to increase funding for the work programs that currently exist. I know \$720,000 recently went into a program that pays people that are currently homeless to do things that benefit the city. I think that should be expanded and in fact some of the housing that you're starting to offer could be debt modeled

in such a way that it actually creates additional value for the city without adding to the cost. I think that existing sites should be operated more safely and scheduled, both for the people that are living inside as well as those around it, including drug policies, weapon policies. I don't think that's

[4:30:37 PM]

infringing on the individual freedoms of those being housed. In fact it's giving them the care they deserve.

[Buzzer sounding] Recognizing the hardship that they have.

>> Mayor Adler: Thank you, sir.

>> Thank you.

>> Mayor Adler: Last speaker, Mr. Woodley, you have one minute.

>> Hmm, John Woodley, advocate for disability access. I myself have been homeless and lived in my car. I've never committed a crime or panhandled, but I can understand how that can change. I have sent to all of your offices a way to help prevent homelessness to begin with by --

[indiscernible] Legal representation to housing for indigent people for people facing eviction and people with disabilities that need access to housing. And I think that's something that we need to consider.

[4:31:37 PM]

And the employment, people need to be -- start being held accountable for when they fire somebody, the consequences of that action on -- just because they retaliate.

[Buzzer sounding] It causes a chain reaction, people may be losing their housing.

>> Mayor Adler: Thank you.

>> It's a whole economic --

>> Mayor Adler: Mr. Woodley, thank you very much. Thank you. There are two more people that have signed up. Is Janet Peters here? Come on down. Is Jared Brackenridge here? Why don't you come up to this Pede yum.

-- podium. Last two speakers. You're here first, go ahead.

>> Good afternoon, mayor and city council members. I didn't plan on speaking literally, I'd be remiss if I didn't. I apologize. Several of the things that have been said today have not been true. I kind of feel like most of these people that are speaking saying that they've

[4:32:37 PM]

been attacked and things like that have been provoking these issues, but --

>> Mayor Adler: Hey, hey, please.

>> Because I actually live so close to, you know, the I-35 barrier and things like that, but don't experience the same things. It's kind of like I come downtown. I don't get the same feeling. So it's like what are you doing to provoke such feelings. Secondly I want to say I'm very concerned because most of the homeless population are not here attending these meetings and that's very problematic. We're making decisions on their behalf with their voices not be heard. They're not speaking themselves. People are speaking for them. I think many people need to take their privilege out of this and actually have a heart for people that don't.

[Buzzer sounding]

>> Mayor Adler: Thank you.

>> -- The way to say this stuff. Thank you, though.

>> Mayor Adler: Thank you, sir.

[Applause] Janet Peters. You want to speak? And then I was told there was one person that I missed, who is sherry Taylor. Is sherry Taylor here?

[4:33:37 PM]

Okay. Go ahead.

>> Thank you, mayor Adler, for hearing my comments today. I was asked to go ahead and come before you. I understand that the items 29 relates to camping in a public area. It's not something that's not discovered that we have a shortage of housing here in Austin. There are many reasons why people might become address challenged. But I think what we are facing is a human rights issue, to where in Austin it gets quite cold, and 32 degrees I've seen the homeless, address challenged, whoever on the sidewalk. And when you are in that situation, how old you be able to get out of the elements and not catch pneumonia?

[4:34:38 PM]

I myself had stepped aside to allow my roommate to get to know a 4-year-old child.

[Buzzer sounding] So I found myself in this situation. Thank you for hearing me.

>> Mayor Adler: Thank you very much. Ms. Taylor, you're our last speaker. Come on down. You have one minute.

>> Good afternoon. Good afternoon, mayor, good afternoon, council. Thank you for this opportunity. I only have one minute but I just want to say thank you to those churches who have opened their congregations, their tithes, offerings to have congregational meals and other opportunities for folks to have fellowship. Fellowship is the beginning of eliminating isolation, to empower, individualize optimism. That's eieio. You've heard it before. I'm telling you we need to reuse that. Programs like Austin public library, Austin Baptist church, central presbyterian, they have events. But the thing I would like to see those folks who have

[4:35:40 PM]

degrees in this town is get -- capitalidea.org is a grant that's paying the tuition, the textbooks, tutoring, case management and four month bus pass for folks who doesn't experience education.

[Buzzer sounding] At the collegiate level. It makes a difference if you can go to school.

>> Mayor Adler: Thank you.

>> So I would like those who have college degrees, please --

>> Mayor Adler: Thank you very much.

>> -- Invest in capital idea to promote college.

>> Mayor Adler: Thank you very much. That brings us up to the dais. Councilmember alter.

>> Alter: Thank you. First I want to thank everyone who came to speak and to share your views with us, no matter your perspective on this. I appreciate hearing from you. Mayor, I'd like to invite chief Manley up to answer some questions if possible.

>> Mayor Adler: That would be fine. Chief?

[4:36:48 PM]

>> Alter: good afternoon, chief Manley. Thank you for being here. First I want to say I appreciate your work to clarify enforcement of the ordinances since the June changes via the training bulletins. I think that guidance has been very helpful for the community. As you know we've had several versions of the ordinance revisions before us in the last couple of months as we work on the council side to clarify what is and is not allowed with respect to camping, sitting and lying. As our chief law enforcement officer, from your perspective what would be your ultimate preference for the language in the camping, sit, lie ordinances.

>> Good evening, city council. I think we've had the opportunity to have this conversation a couple times. I understand the council's direction on the old ordinances and whether they would come back or not but outside of that my recommendation, as I've stated before, would be the banning of camping, sitting, and lying on all sidewalks across the city.

[Applause]

[4:37:49 PM]

>> Alter: Thank you. On Tuesday you reassured council we do not have a public safety crisis in this city. Though from your perspective that is different from public order issues. Is that correct? And can you speak a little more to the difference between -- or what a public order issue is and what you're seeing with respect to public order in recent months?

>> Certainly. We talked on Tuesday a little about this. I think a direct question from the mayor on whether or not we have a public safety crisis and I stated we do not have a public safety crisis but do have an issue with public order in the city right now. When we talk about public objection, when I talk about public order, it's looking at what we're seeing happening in the city right now that is different than what we were seeing prior to June and prior to the changes or on a different scale. Specifically the understanding that we know that we have a large number of those experiencing homelessness in our community that likely were living more in secluded areas that are now out in the public space.

[4:38:49 PM]

We know that the encampments where they have been all along seem to have grown in size and substance and we're seeing encampments grow in places where they were not before. By the increased number of those experiencing homelessness now in that public space we're having the increased interactions that we talked about on Tuesday between members of the homeless community and members of the non-homeless community. Anecdotally, I think we've all been in meetings together or in public hearings together where we hear the actors, we've heard some today about those encounters and about them being either more aggressive or emboldened behavior and so by the -- by looking at the fact that there are more of these encounters and that the behavior seems to have escalated in some of them, that results in an increase in public order. When we look at whether or not it's a public safety crisis, I look at the crime statistics for the whole city, and where we are right now through September, we

[4:39:50 PM]

have property crime in the city right now is up 11% year to date through September based on our com stat numbers. Violent crime is down 4 percent. That's different from what we see in the downtown area command and what we also talked about Tuesday, that being the downtown district. What we see there is increases in both of those categories, specifically priority crime is up 18% in the downtown area command and violent crime is up 15% in the downtown area command, both of those -- or the violent crime number being driven by increases in both aggravated assaults and individual robberies. So when I talk about it, it's not a public safety crisis because on the whole in the city we're seeing a decrease in violent crime. But in the specific downtown area we're seeing increases and we're seeing the issues that I mentioned earlier about just public order in general.

>> Alter: As we talked about on Tuesday as of now we

[4:40:51 PM]

don't have data if that's an increase from June. That's just a year to date compared to year to date last year, and we don't have any status on the perpetrators, just to clarify?

>> Correct. I know we submitted some information yesterday to a request, and I'm not sure how widespread that got on the dais, about the crime statistics from the month period. The data that we had was from July through September. We didn't have it starting in June readily accessible and we compared that for the three months in 2019 to the three months in 2018. Pulling out those cases that had an indication that someone involved in that incident was homeless. Now, we don't have that check box that an officer puts on a report that checks that status, so the way we obtained that data was if the officer notated on the address field that the individual was homeless or by using the addresses that we know, provide the services for our homeless community, such as the Salvation Army or the arch,

[4:41:51 PM]

trying to pull the most relevant data to put this together.

>> Alter: And what were the results of those?

>> Give me just a second.

>> Alter: I don't think they were very widespread, shared very widespread.

>> The specific data we saw, again, looking at July through September and looking at part one violent crime and part one property crime, part one violent crime being murder, rape, robbery and aggravated assault, part one property crime being auto theft, burglary, burglary of vehicle and theft. So those are the categories that we look at. These are the ones that we -- when we were doing ucr reporting that we would report back to the federal government. When we looked at part one violent crime, what we saw in 2018, looking at cases where both the individual -- both the suspect and the victim were homeless, that was 33 for that 33 month period in 2018 and it was 38

[4:42:52 PM]

for that same period in 2019 so a 15% increase, although small numbers. When we looked at those cases where the suspect was homeless but the victim was non-homeless, we saw a -- when it came to violent crime, 64 of those in 2018, 71 in 2019. So 11%. Looking at part one property crime for that same circumstance, homeless suspect with a non-homeless victim, 322 during that three-month period in 2018, 327 during that same period in 2019. Then we also had data looking at cases where a victim who was homeless but a suspect who was non-homeless and in the area of violent crime there were 36 of those in that three-month period of 2018, 43 of those in 2019. And for part one property crime, 52 for that three-month period in '18, 74 for that three-month

[4:43:53 PM]

period in 2019.

>> Alter: Thank you. Would it be possible to have you send that to all of us over the break? That was a lot of numbers for us to digest.

>> Absolutely.

>> Alter: Do you also have the number for just the change in crime from, you know, July 2019 to September 2019 back to the same period in 2018, regardless of status?

>> So, yes. What we saw when we look at part one violent crime for that three-month period in 2018 there were 1,010 cases. In 2019 1,066, so we saw a 6% increase in that category. Part one property crime, we saw a 5% increase during that -- again, this is that three-month period, '18 to '19, and that was based on the 8,713 incidents verse 9,133. But I'll provide you with this spreadsheet.

>> Alter: Thank you. I have a couple more

[4:44:55 PM]

questions, but I don't --

>> Mayor Adler: I have a question about this, if I could.

>> Alter: Go ahead.

>> Mayor Adler: Chief, I appreciate you giving us these. They're actually posted because the chart was put into the q&a in response to the question that I had asked. So with the backup for today's agenda, it's

there. I just want to make sure I understand the numbers correctly. Overall in the city, we're seeing a 6% increase in violent crime and 5% increase in property crime. During that three-month period.

>> During that three-month period, yes, 6% increase in violent and 5% increase in property during that three-month period.

>> Mayor Adler: In particular you focused down to see how much of that may have involved someone who was experiencing homelessness or not.

>> Correct. With the limitations that I laid out.

>> Mayor Adler: And you broke it into three categories. One category was crime where both the suspect and the victim were homeless. And the increase of all cases across the city that

[4:45:59 PM]

involved somebody who was experiencing homelessness during this period of time was five people on violent crime and two people on property crime when it involved both a person who was a victim and a suspect who was experiencing homelessness, just five and two people. Is that right?

>> Correct. Looking at the initial set of numbers, yes.

>> Mayor Adler: Right. And then you looked at -- well, what about where someone was the suspect, was someone experiencing homelessness, but the victim was somebody who was not experiencing homelessness?

>> Correct.

>> Mayor Adler: And citywide, again, in that entire several-month period of time, the number of instances that involved someone who was homeless, someone who was a suspect for violent crime only went up -- there were just seven more, right?

>> Seven in violent crime

[4:47:00 PM]

and five in property crime.

>> Mayor Adler: And just five in property crime. But here's the number that I also think is really telling. In the instances where we're talking about where the victim was someone experiencing homelessness but the suspect was somebody who was not experiencing homelessness, I have in that category the largest increase in violent crime.

>> Seven for violent crime and 22 for property crime.

>> Mayor Adler: All right. It went up 19%. Is that right? In that period of time? From 36 to 43 for violent crime.

>> Yes, 19% on the 36 to 43.

>> Mayor Adler: And the biggest increase of everything during this period of time where the victim was someone experiencing homelessness and the suspect was someone who was not experiencing homelessness. There was a 42% increase in property crime.

[4:48:01 PM]

Is that right?

>> Correct. 22 additional cases, 52 to 74.

>> Mayor Adler: And those numbers are included in your overall city numbers. Is that right?

>> Yes, they are.

>> Mayor Adler: So it would seem that a significant part of the property crime, significant part of the increase in violent crime, was crime that looks like it was crime by people who are not experiencing homelessness against people who are. Is that right?

>> In this data set, yes, for T downtown area. For the citywide data I'd go back to the top charts and that would be a different finding.

[Applause]

>> Mayor Adler: But within that group of citywide where you said it went up from -- went up total of 6% and total of 5%.

>> Yes.

>> Mayor Adler: That includes these numbers, right?

>> Yes, it does. This is a subset of those numbers.

>> Mayor Adler: Right. It was like a 50 person increase for one of those numbers, for example. Didn't you say it went

[4:49:03 PM]

from --

>> 56 for the part one violent crimes.

>> Mayor Adler: Right. And of that 56 number, a significant portion of that, a material, internationally portion of that -- interval substannialportion, a big chunk of that was crimes of people who were not homeless suspected of perpetrating a crime on people who were experiencing homelessness.

>> In the 56 --

>> Mayor Adler: Right.

>> -- Yes, seven of them would have been individuals who were homeless but suspects who were not. So seven of the 56, yes.

>> Mayor Adler: What about property crime? What's the total number?

>> Property crime, it went up by 22, as far as victims who are homeless, suspects who are not within the downtown area it went up 22, and the total number, give me just a second, went up 320, it looks like, citywide.

>> Mayor Adler: Okay. So with respect to -- with

[4:50:04 PM]

respect to the crimes involving someone; experiencing homelessness, the ones that show the biggest total number and biggest percentages are the ones where the victim was someone experiencing% homelessness and the perpetrator was someone who was not?

>> That would be the bottom chart, yes.

>> Mayor Adler: Yes, that's correct. Okay. Now, I just want to have the conversation. You and I have had this conversation many times and I apologize if we're gonna have it again. We have different people watching us this time and different people present. And you said that you don't think that we're facing a public safety crisis in this city, and it is true, is it not, that all the ordinances that we have that make it a crime to endanger somebody or to assault someone or to aggressively confront someone or to block someone or to impede someone or to threaten someone or to follow someone within 5 feet when they say go away, all those elements of our laws

[4:51:05 PM]

that existed prior to June still exist today. Is that correct?

>> Correct.

>> Mayor Adler: Okay. And so in saying that there's not, as you've said, not a public safety crisis but a public order crisis, you've described that again today as saying it is the increased interaction that's

happening between people who are experiencing homelessness and people who are not experiencing homeless. Is that right?

>> Yes. I didn't fully go into that. That's part of what I said today, but yes.

>> Mayor Adler: Okay. So in the city -- and I think that's right. I think you're -- you're absolutely right, that we have anecdotally we have more -- we have greater visibility of people who are not experiencing homeless now than we had before.

>> Correct. And I know it's been reported the increase that we've had in calls to the 311 center involving homeless in some form or fashion, homeless was mentioned, and although I don't have that exact statistic in front of me, it appears as though it's been

[4:52:07 PM]

300% or something increase. I'd want to confirm that but I know it's been reported.

>> Mayor Adler: Do you know about what the number is, absolute number?

>> Memory serves right, mayor, it was in the 700 range but I can get that data for you and have that.

>> Mayor Adler: I'd like to know what the absolute numbers were. But what we're talking about is, if someone is experiencing homelessness and that person threatens somebody or blocks somebody or endangers somebody, then -- somebody else or themselves or is aggressively confronting somebody, those are all crimes and your officers arrest people for those crimes. Is that correct? Or you ticket them or you take some enforcement action. Is that correct?

>> Yes, we have the authority to enforce if that behavior is hazardous, dangerous or obstructing and through the training bulletins I issued a few weeks ago we put a definition to obstruction being that someone who is in a wheelchair needs to have the ability to pass through or someone who was navigating that space, that

[4:53:07 PM]

sidewalk needs to be able to do so without having to go, I believe it's defined as either in a zigzag fashion or have to step up and over individual or their property.

>> Mayor Adler: Right. But for all those things your force takes enforcement action on those because it's against the law?

>> If we are called and there, yes, the officers would have the ability under these ordinances to enforce.

>> Mayor Adler: So in asking for an ordinance that would enable your officers to take enforcement action, to ticket or arrest or take some kind of enforcement action for somebody who is not -- what

you're asking for is the ability to take enforcement action against someone who is not violating any of those laws, they're not impeding, they're not block, they're not making somebody zigzag, not making somebody step over, they're not aggressively confronting somebody, they're not threatening somebody, they're not blocking somebody, they're not endangering themselves or others, what you are asking for in order to help public

[4:54:08 PM]

order, you're asking for the ability to be able to ticket or to arrest or take some enforcement action against that person who is not doing any of those things. Is that correct?

>> We are looking to have the ability to take action in those circumstances. Again, remembering that we had a 98% compliance rate when we were taking those types of actions prior to the ordinance change.

>> Mayor Adler: Right. And they ask it in two different -- I'll given you a chance to talk about that too but it makes it harder for me when I get a compound answer because I don't know what I'm getting a yes to and not getting a yes to. It's fair to say that the additional enforcement action that you're asking for is the ability to ticket or to arrest somebody who is not doing any of the things we've listed, endangering themselves, blocking impeding, threatening, making somebody step out, walk in a zigzag fashion. You're asking for the ability to ticket someone who is not doing any of

[4:55:08 PM]

those things. Is that correct?

>> Yes to gain compliance or if we don't get compliance then to take the enforcement step.

>> Mayor Adler: Right. And the reason you -- one of the things you say about that is we want the ability to be able to ticket or to arrest in part because if you give us that ability, we can make people move without ticketing them or arrest ago them that is right?

>> Correct. As officers --

>> Mayor Adler: I'm sorry. It's a -- I'm trying to -- I would not expect my officers to ask someone to change a behavior that they didn't then have the authority to enforce so I just want to make sure that that's what's important.

[Applause]

>> Mayor Adler: So just to double back because, again, it was a compound question being answered. So what you're asking for is the ability to be able to ticket or to arrest so that you can make that person who wasn't doing any of those things, so you could make that person move?

>> To seek compliance, yes, mayor.

>> Mayor Adler: By saying "Seek compliance," what you mean is you want them to move, right?

>> To change that behavior, which likely would be moving

[4:56:09 PM]

or taking down the -- yes.

>> Mayor Adler: It's a

[indiscernible] Simultaneous us [overlapping speakers] All the behaviors that we were talking about in terms of threatening and impeding and blocking and making someone step over them or following them or aggressively confronting them, we have ordinances against those things already. What you're asking for is the ability to be able to make somebody move who is not doing any of those things. The person is just there. They're just sitting or they're just lying there. Is that correct?

>> Correct.

>> Mayor Adler: Okay. And you have referred to that when you go to someone and say "Would you move," and 98% of the time the person moves. That's -- that's the part you're talking about where you have 98% compliance, where people go ahead and move.

>> Yes, mayor.

>> Mayor Adler: And when they move and they stop and they sit down again, where are they supposed to sit down again?

[4:57:09 PM]

>> Well, again, that's not defined at this point. What we know under the previous ordinance is, they were moving to places that although it was likely still not in compliance with the ordinance, it was not in a place that was drawing complaints from community members or business owners or the like.

>> Mayor Adler: Okay.

>> Kitchen: Mayor.

>> Mayor Adler: That's what I understand as well. Thank you, chief.

>> Kitchen: Mayor, I have a question.

>> Mayor Adler: Back up to the dais. Yes, councilmember kitchen.

>> Kitchen: Well, actually, let me -- I do have questions. I'd like to go next.

>> Mayor Adler: Wait a second. If it's on this same line.

>> Kitchen: It is.

>> Mayor Adler: Go ahead.

>> Kitchen: Councilmember alter said she had more questions.

>> Mayor Adler: She does, but if you're in this same area we were asking about that chart you can ask a question now if you want to.

>> Kitchen: Sure. I'm gonna follow up on the questions you asked, mayor.

>> Mayor Adler: Okay.

>> Kitchen: So, chief, thank you very much for being here. Appreciate hearing from you. So just a couple of questions here. So the mayor had emphasized that -- had emphasized a number of things, but I'm

[4:58:11 PM]

understanding also that what you all are trying to do when you ask someone to move, that it's also about being helpful to them. And that you are trying to help them be safer or get connected to services or things like that. Can you speak to that?

>> Yes, this is an opportunity in the interaction to possibly determine if the person is in need of services and, if so, to link them with that. Similar to what we do with the host team, that concept. And there have been some success stories with that. But, yes, this is an opportunity in some cases to determine if there are opportunities where either the police department or other service that's the city officers or community officers would be of assistance to that person so that provides the opportunity, when you engage in that conversation with that person and although I can't say that happens every time, the ability to have that conversation opens up that opportunity.

>> Kitchen: And if I'm

[4:59:11 PM]

understanding from what you've said before, if there's not a recognition that where they are is unsafe for a range of reasons and there's not clarification that that's a place where camping is not allowed, then you don't have the authority to ask them to move and engage in that conversation.

>> Correct, we would not ask them to move under

>> Correct, we would not have them move under those circumstances.

>> Kitchen: So you would have them move for their own safety, to ask them to move?

>> If we deemed where they were was unsafe that provision would come in that they were endangering their safety.

>> Kitchen: I understand that.

>> Mayor Adler: Let him finish answering the question.

>> Kitchen: I will, but I'm clarifying my question. So my question was then so I didn't mean to interrupt you so I'll let you finish.

>> If they moved from an

[5:00:11 PM]

area that they felt was unsafe to another area where they were unsafe, to me that implied were making the determination that they are unsafe, we would have the enforcement capacity under the ordinance because we would deem it is has hazardous or unsafe to themselves. If they moved to a safe that they felt unsafe to a place we didn't feel like they were unsafe, but somebody maybe made a complaint on them, then under those circumstances we would not have an authority because we then made the determination that their conduct was not hazardous or dangerous to themselves or another.

>> Kitchen: Okay. Then my follow-up question, and again, I didn't mean to interrupt you before. My follow-up question is help me understand how you make those determinations. In other words, am I correct in thinking that I have to make those determinations on a case-by-case basis?

>> Yes, officers in cases are making a determination whether someone is a danger to themselves. In public intoxication, number one you have to be

[5:01:12 PM]

intoxicated in a public place, but you also have to be a danger to yourself or others. Similarly here officers having to headache that determination whether the individual is a danger to themselves or others, part of the guidance that came out in the training bulletins we put out a week and a half back talks about what may constitute that, such as their proximity to vehicular crashes, such as traffic fatalities and crashes with pedestrian. And at least gives guidance to the officers. But it will always fall down to the judgment of that officer that's on scene that would choose to take some sort of action whether it's obviously seeking compliance first, but if that doesn't work, moving into the citation or other, it will always rest with the judgment of the officer on scene because they would be the ones if they took an official action would have to speak to that action and justify that action either in a municipal or other court if it led to charges.

>> Kitchen: Okay.

[5:02:13 PM]

Then if we were to clarify as a policy matter that certain areas were not safe for people to be camping. For example, in the bed of a creek that is prone to flooding or some other areas that as a policy matter we think is unsafe, that would give you additional clarity on whether or not someone would be there and you wouldn't have to see them in an actual circumstance that each individual officer has to judge is unsafe.

>> If you added language to the ordinance clarifying language, that is something very similar to what is already in the training bulletin. What we we did as a department is we took the ordinances and we gave interpretations and examples to officers. So that allows us to give some direction to the officers and then not that I'm in the position to question you, but the question would be if y'all were to put those types of -- that type of language back in the ordinances, would it be in lieu of the training bulletins that I've already put out that give

[5:03:14 PM]

direction on many of these areas?

>> Kitchen: Well, let me just ask you, I understand that you at some times have said, and I don't remember exactly when, that you would be interested or felt it was more appropriate for the council to repeal the changes that we made. I don't know if you used those exact words or not. And I think you acknowledge that the -- at the time that you weren't saying that we should do that, you were just saying from your perspective you thought that might be better. So could you please clarify why?

>> Well--

>> Kitchen: Why you said that.

>> Prior to the changes in June we were establishing some sense of order. It seems like when the ordinances changed in June, what we saw happen in public space and the interactions and the vicinity the vet role on both sides of the issues, that's why we're talking about this. It seems like we had a

[5:04:14 PM]

better handle on things. Prior to June we certainly weren't solving the issue surrounding homelessness, we weren't housing more people in our community but what we were at that point doing is it appears as though we had a better handle on. And yes, we were moving people to places where they still probably

weren't authorized to be, but we were moving off often times with voluntarily compliance and places to where they weren't being complained on and where we didn't have to respond to calls.

[Applause].

>> Kitchen: Okay. So what I'm hearing you say is clarification can be helpful for you. That you have some authority under the standards that were established. That you have established training guidelines for your officers, but that there's still a judgment call for officers to make on whether a particular area is unsafe. Did I hear that right?

>> Yes.

>> Kitchen: Okay, thank you.

>> Mayor Adler: Okay. We have a motion in front of us. We're going to pick up first

[5:05:15 PM]

the kitchen motion.

>> I'm just trying to orient us.

>> Casar: But very quickly, I think it's important for us to -- all of us here have worked on statistics and that while correlation and data can be important, correlation does not equal causation in any of these circumstances in our view, is that right?

>> I would agree.

>> Casar: So for example, if you see an uptick in drunk driving it could be because more people drove drunk that weekend or it could be because we had no refusal weekend that weekend and extra folks checking for that. Correlation does not equal the causation. So while all of these charts could be useful data, if we see an increase, for example, in a certain violent crime where say a person experiencing homelessness is a victim, we wouldn't know whether it had to do with the ordinance change or, for example, as mayor Adler spoke about a constituent coming up to him saying I've left the dark

[5:06:15 PM]

alleys where I used to hide and now I'm safer because I'm where people can see me. And so somebody might actually witness the assault that happened as opposed to not witnessing the assault and it not being reported. That could drive it as much as anything else could drive it. So while it's data, we all necessity that while we're looking at the chart that there is no data that there is a causation between what we did in June and any of the increases or decreases as shown here?

>> I agree that correlation is not causation.

>> Casar: I think that would be important as you do the analysis and we speak as a city and as we put these documents out and it would be very clear that correlation doesn't equal causation and that the police department's job is not to reduce interactions between individuals.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. So I had -- I was at an event this morning and didn't see the Q and a. I stumbled upon the question which was really where I had not wanted to go. I had that question on Tuesday and I wanted to learn a little bit about it.

[5:07:18 PM]

Very quickly, the data do seem to show that homeless people are less safe according to these statistics in these two periods in terms of the increases, the causality. We don't know as Mr. Casar pointed out. So I wanted to go back to the broader questions about public order that we were talking about, chief. So as our police chief with the respect to the ordinances we have with us today, does the constitute motion provide you with the ability to restore the level of public order you believe is appropriate for our city and the substitute is the one that mayor Adler posted.

>> Just to make sure I'm clear. The one proposing the 15 foot restriction of any doorjamb?

>> Alter: Both of them do that, but it doesn't have the Seahawks as I read it. I could be wrong on that. We haven't had a chance to clarify.

>> So I'll reiterate that as

[5:08:20 PM]

police chief that the ban exists on all sidewalks, but if we end up in a position where that is not something that is the direction we go, including additional language, such as a 15-foot restriction, that would allow us to take enforcement actions, again, seeking voluntarily compliance first in those circumstances where the violator was within 15 feet of that doorway without having to establish hazard danger or obstructing obstructing.

>> Alter: So your preference would be you stated earlier that you would like to go back to the ordinances before June. That's the first choice. And then your -- the next thing that's important to you would be not -- no camping, sitting or lying on sidewalks anywhere in the city.

>> Correct.

>> Alter: And then the doorjamb option is your third -- is better than --

>> Anything that gives more opportunities.

>> Alter: Gives more opportunity, thank you.

[5:09:33 PM]

So the restoration of public order to clarify that public sitting, lying are not allowed around sidewalks and residences and open businesses?

>> Correct.

>> Alter: Okay. Thank you. And finally, I just wanted to give you an opportunity, chief, if at any point -- at this point in time if there's anything else you would like to address to us before we make any decisions on the proposal.

>> Alter: I know I referenced in our meeting on Tuesday that we were pulling data on the two crime drivers in the downtown area command, that being the increases we saw in both aggravated assaults and robberies. And that I had my research and planning team reading the reports for the instances that occurred in the downtown area. So this is data from the nine month period, January through September. There were 84 robberies that occurred in downtown area command during that time. There were 137 aggravated all the is that occur in downtown area during that

[5:10:36 PM]

time and using the same methods that we did to try and determine if homeless was involved in those instances, either as witnesses observed, as victims or as suspects, what we have during that nine month period is that in a category the robbery robberies that the homeless were involved as the suspect category, either suspect on another homeless individual or suspect on a non-homeless individual, 18 percent of the time. And in the category of aggravated assaults they were involved in 39 percent of those incidents as the suspect again on both other homeless individuals or non-homeless individuals. So I apologize I didn't have that on Tuesday, but our staff had to read 221 reports to pull that together.

>> Alter: Thank you. I hope moving forward we can improve our data collection so that we can understand things. Better. That sounds like a lot of reports to go through, but thank you for that.

[5:11:36 PM]

Is there anything else that you want to make sure that we knew from your expertise as our chief law enforcement officer as we proceed?

>> Only if there's questions.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: This is not a question for chief Manley. Thank you so much for the information. But for all of us I just wanted to point out when we did our point in time count we also noticed that the number of people experiencing homelessness went up about the same rate as our population change. So I want to make sure that as we're looking through rate of change from 2018 to 2019 we're also adjusting for per capita because the numbers if you adjust them that way, I don't have it in front of me, but they may actually be relatively the same when you think about there's just more people in our city moving about together. I want to make that clear that there's more people to be taking into account as we're looking at these numbers.

>> Mayor Adler: Okay. And again we're focused now on councilmember kitchen's motion. Any further discussion or any amendments to be made to that?

[5:12:38 PM]

Hearing newspaper, let's go then to the substitute negotiation? Are there any amendments to be made to the substitute motion?

>> Kitchen: Mayor, I have -- I'm sorry. Did you already call on somebody?

>> I called on Greg.

>> Casar: Mayor, I appreciate that you took some of councilmember Casar's amendments in your latest version. I've brought back two more from both councilmember Garza and myself to reincorporate that. One of them was steering percentage belongings to just be for an extended period of time on camping. Because the legal folks thought that has a level of vagueness. And second to -- this essentially incorporates part of the kitchen-tovo work from September and some recent work along with some of mayor pro tem Garza's

[5:13:38 PM]

language to make it clear that the law enforcement officer before citing a person for a violation should make a recommendation for a lawful place to be and contacting if reasonable and appropriate someone who could transport the person and provide them with services. Ic R. I think those are relatively minor changes.

>> Mayor Adler: I have no objection to these. Does anybody have any objection to these being added to this?

>> Kitchen: Potentially. I'm trying to read they will.

>> Mayor Adler: We can take a second.

>> Casar: These are almost entirely from the language that the mayor pro tem posted last night just being reincorporated into this.

>> Kitchen: Could I ask a question? So say that again, councilmember Casar. Are your differences in this - since I'm just seeing this document now, are your differences in the red --

>> Casar: In red.

[5:14:38 PM]

>> Kitchen: So I'm wanting to just make sure I'm understanding it. So the first one is that you deleted indefinite.

>> Casar: That is not in the current ordinance. What is law right now does not have for an extended or indefinite period of time. There were concerns that somebody could be seen as camping just because they're there with their stuff. So the mayor added for an extended or indefinite period of time. And I think extended is the right word there.

>> Kitchen: Okay. And so then the second one is you deleted including when -- you -- in this section that talks about what an officer needs to do on page 2 --

>> Casar: We moved that over to the next page.

>> So you've got it of. You just moved it.

>> Kitchen: So you added C, which was advising the person-- you added C, which says a law enforcement officer must before citing someone, advise the person

[5:15:39 PM]

of a lawful alternative place to camp. Advise the person to the best of the law enforcement officers knowledge of available shelter or housing and contacting if reasonable and appropriate a city designee who has the authority to offer to transport the person. Okay, I see that. All right. Then is that your only two changes?

>> Casar: That's correct.

>> Kitchen: So one, two, three takes three of the four steps that we have in ours. We had a fourth step that relates to establishing something similar to a warning. And so I see that you did not take that one. So I may -- may bring amendment to add that. So I'm just noting it at the moment.

>> Mayor Adler: Anybody have an objection to the Casar amendment being added? Councilmember alter.

>> Alter: I just had a question because I was a little bit confused and this may be something that legal

[5:16:40 PM]

can answer. So I had an amendment that was going to add to I think it was to your substitute language where you added the language on enforcement, where a law enforcement officer determines there's an imminent health or safety threat. And I don't object to this lapping, but I'm trying to understand if legally we need to allow there to be that out for that safety issue of the imminent threat threat. Around I'm just not sure if the language, once we start saying it, before citing a person they have to do that if they're still able to move that person out of way. And I can maybe figure that out over the break, but it's more of a legal clarity issue. I don't want to take the authority, for instance, that the chief said he

[5:17:41 PM]

thought he a way without having thought about that. So do you want to think about it or answer me?

>> I can look at it over the break.

>> Pool: Mayor? So I'm looking, comparing the ordinance that I'm a co-sponsor on and the ordinance, councilmember Casar, that you passed out with your additional changes. And I think as councilmember kitchen pointed out, it's similar almost exactly the same, except for on your page 2, in definitions, park and public area are missing you, and with homeless shelter yours is number three, ours is number two and that's because you change the numbers at the top end. Can you explain the omission of are park and public area or maybe we can just put those back in as definitions?

[5:18:44 PM]

I'm looking at your document.

>> Casar: The definitions of park.

>> Pool: Yes. Everything that you have in here is tracking almost word for word with what we have in ours. And with the exception of the amendments that you mentioned. But it also omitted the definition of park and the definition of public area, which I think would be useful to have included.

>> Casar: It's because camping has always been not permitted in parks. And I can't speak to the latest version from y'all's, but the one we discussed on Tuesday defined something as bigger than parks generally so I wanted to leave intact the existing prohibition on parks.

>> Pool: And I see you have public area earlier, actually, so I missed that. So it's just park that's missing.

>> Casar: Because parks are already prohibited.

>> Pool: Do you think it's at all helpful in clarifying

[5:19:47 PM]

to have it included?

>> Casar: I think the best thing is for the ordinance to describe what the ordinance needs to do and not have in multiple places of city code reiterate the same prohibition.

>> Pool: I'll think about that. But I appreciate the fact that we are tracking almost entirely word for word with a little bit of different organization between the kitchen ordinance and this Casar amendment to Adler, so far.

>> Casar: I have a few differences, but I think on this one they're very similar.

>> Mayor Adler: I think it's a good point. So much of this is the same or very close to being the same, regardless of where the things are coming from. In front of us is an offered amendment from councilmember Casar to the substitute from councilmember Ellis. Does anybody have any objection to those changes in the Casar amendment being included into the Ellis substitute? Councilmember kitchen.

>> Kitchen: Mayor, I'd like us to vote on every

[5:20:48 PM]

amendment.

>> Mayor Adler: Okay. So councilmember Casar makes a motion to amend a as has been passed out. Is there a second to that amendment? The mayor pro tem Garza seconds that. Is there any further discussion? This is his yellow page, his changes. Those in favor take a vote, raise your hand? It's unanimous on the dais, the amendment is added. Further discussion on the Ellis substitute? Councilmember harper-madison.

>> Harper-madison: Why is everybody having so much trouble with my name today? All right. I want to move -- actually, I passed it down already. You guys should have received this small yellow paper. I want to move that we amend subsection 2 of section B to

read: Camps or obstructs in

[5:21:51 PM]

a public area and the person is located.

>> Mayor Adler: Okay. There's been a motion to amend the Ellis substitute. Is there a second to the amendment from councilmember harper-madison? Mayor pro tem Garza seconds. Councilmember harper-madison, you can address it first.

>> Harper-madison: There are several things that I would like to say, including as far as this amendment is concerned. If obstruction is already prohibited, I don't understand why we're reverting to criminalizing necessary human functions like sitting and lying. The obstruction is part that's outside of what's allowed. And then, I am struggling with another part that I think I'll go ahead and keep to myself for now because it looks like we are getting closer to finding ourselves to center.

[5:22:51 PM]

So I'll hold it for now. Thank you.

>> Mayor Adler: Thank you. Further discussion on the amendment? Councilmember tovo.

>> Tovo: Thank you. I appreciate everybody who came down and participated in this conversation though I wasn't on the dais I was listening to you from upstairs and I appreciate all of those of you who are engaged in this conversation. I wanted to ask the maker of the amendment, as I understand this amendment it would allow -- currently we have had multiple conversations about activities outside the arch and how they have made individuals seeking services at the arch and in other areas also unavailable. So it's been a goal of our -- it's my understanding that our staff, among others others, as well as consultants that we've brought from from the national alliance for the homeless, for ending

[5:23:52 PM]

homelessness, have encouraged that we not have camping and sitting and lying directly outside the arch. And it's my understanding that your amendment would actually allow continued sit and lying outside the arch when what we are trying to do is connected them to shelter beds as well as to services in its area?

>> Harper-madison: Which I appreciate and this is the thing I was going to keep to myself in the interest of trying to find some compromise. I think not allowing people to sit and lie outside of homeless shelters is the absolute epitome of sweeping homelessness under the rug and I don't agree with it. I don't think it's appropriate.

[Applause].

>> Further discussion on the amendment? Were you done, councilmember tovo?

>> Tovo: Yeah, I'll just say I'm not going to be able to support that. I believe that it's important that we proceed forward with about the encampment response strategy and with getting persons

[5:24:52 PM]

outside the arch to services, shelter, housing. It is very clear from the last work that the pilot did that the situation outside the arch also creates a climate where individuals who are predators come down and prey on those who are experiencing homelessness. And during the period of that pilot there were participants and services at the arch who expressed how much safer they felt during that period. So I think it is -- I think very important that we continue forward with this. And really make sure that we do the second part of that, which is to make sure that we're allocating enough services -- enough funding so that we can really be successful in connecting individuals to the services, to the shelter, to the housing they need.

>> Mayor Adler: Further discussion on the amendment? Yes, councilmember alter.

>> Alter: So I'm concerned about its implications for part C, which is within

[5:25:53 PM]

15 feet of a doorjamb of a residence or a business during the business operating hours. Sue when we had moved some things around in our version of the ordinance because we took out the streets and everything because we thought that that 15 feet of a doorjamb allowed us to address some of the concerns, but it required it to have the sitting and lying in there. And when you add the instruction instead of the lighttesting and lying you don't address the high pedestrian streets and some of the needs and provide the clarity that I'm hearing the police force needs in order to be able to make those streets safe. So so I'm uncomfortable with that application, particularly with respect to part C.

>> Mayor Adler: So I would say about this, councilmember harper-madison, I hear

[5:26:53 PM]

exactly the rationale and why you made this, and quite frankly, what you say is pure in its simplicity. Frankly with this policy I have found some of the most insightful and learning moments for me, the discussions that you have taken us through in talking about your personal experience and how you see this. And I just want you to know I appreciate that, that it has been really valuable for me and I think it's been really valuable for the community. And I want to say thank you. All these issues are hard because I think that for too long this city has been okay

[5:27:56 PM]

with having homelessness exist in places where we didn't see it. And not only did that lead to having people that were not safe where they were, it meant that people were not getting the medical attention that they might have gotten if they had been more valuable or the social services. It also meant that it wasn't a priority in our community to do something about it in terms of finding housing. And I think the action we took in June to move people, to let people not hide when they weren't doing anything wrong is critical. I labor over this because I also know that we have shared spaces we're trying to manage and when you have shared spaces you have to make choices. I also know that if we're going to be able to resolve

[5:28:57 PM]

in this community actually finding real places for people it's going to require us to have places for people transitioning out of homelessness all over the city. And our limited experience in Austin, beginning with community first and before actually and then here more recently has indicated to me that we have to figure out a way to get as many people housed as quickly as our system will enable us to do that. It is hard given everything, but I'm not going to support the amendment. I'm going to keep it camp, sit and lie in these very, very limited places because I think that on balance it's

[5:29:57 PM]

going to be what it takes to best serve and help and assist the community that's experiencing homelessness. And I recognize that I could also defend a different decision as well. And I know and I appreciate where the amendment comes from and it is hard for me, but so that we can move forward on this and actually take action tonight so that this community can pivot from discussing ordinances and move to housing people, I'm going to support the amendment and the substitute as it came forward.

>> Harper-madison: Two things. I think councilmember tovo definitely pointed out part of why -- so first of all, thank you for your

[5:30:59 PM]

gratitude. I'm very grateful that my personal experience with homelessness, which I've discussed with my colleagues, open at the and I don't talk about a lot in public. But I'm glad that we sharing my personal experience with homelessness has offered you insight and clarity, but you led by saying that it was pure in its similar simplicity. And I just want to make no mistakes about it, I don't have any pretenses about any of this being simple. It is so much -- it's so complicated. And what councilmember tovo said about people being victimized outside of the arch, it being sort of an unfortunate opportunity

for opportunistic people to take advantage of folks who are very vulnerable is real. And that's part of the complicated nature of this whole process, but in my heart I still don't feel like we have to either help

[5:32:03 PM]

people or criminalize people. And I don't see how -- I don't see how hiding people is helping them is point I was trying to make.

>> Mayor Adler: We have an amendment offered by councilmember harper-madison. Any discussion before we vote? Those in favor of the amendment please raise your hand? Councilmember harper-madison, Renteria, Garza, Casar. Those opposed please raise your hand? It's a balance of the dais. It does not pass. 4-7. Any other amendments to the substitute? Councilmember alter.

>> Alter: So I would move to amend the substitute document by creating a new subsection 3 under 9411-b, which I call 3, camps on land that the is city has designated as having a high fire risk. And if I get a second I

[5:33:05 PM]

can --

>> Mayor Adler: It's been moved to add amended substitute 3, camps on lands the city has designated as having a high fire risk. Is there a second to that? Councilmember kitchen seconds that. Councilmember alter, do you want to address it?

>> Alter: Sure. As Ms. Stotts who was here earlier shared a document, if you have it on the dais here it was handed out I think early this morning. It points out where actually the high fire risk areas are and it's not every area that's at risk of wildfire. There's a lot more that are elevated that are not included in that. But these are the areas that are very much designated as a high risk for wildfire, and I believe for the safety of both the folks experiencing homelessness and the folks who live in those areas that we should be explicit that camping on

[5:34:05 PM]

land that the city has designated as having a high fire risk is not safe. It is not safe if you fall asleep there and there's a wildfire and nobody knows to find you because you're not in a home there and there are not access points for our first responders to get to. And it is also not safe because it increases the risk of fire in those areas. So I would ask that we include that in 9411-b.

>> Mayor Adler: The alter amendment has been moved and seconded. Any further discussion?
Councilmember kitchen?

>> Kitchen: Councilmember alter, you referenced a map. I'm wondering if it would be helpful to put that up?

>> Alter: Sure. Let's see if I can find the document.

[5:35:54 PM]

>> Mayor Adler: Okay.

>> Kitchen: Okay. I just want to say that I am going to support this for the reasons that councilmember alter mentioned. And I just wanted to note for folks that may be watching that the -- I'll ask councilmember alter if I'm correct. So the areas you're talking about are the ones in red that represent 14% ever that land area, is that right?

>> Yes.

>> Kitchen: Okay, thank you.

>> Mayor Adler: Any further discussion on the amendment? Councilmember Flannigan.

>> Flannigan: Is there -- most of the areas that I see on this map, zoomed out the way we are, seems like most of these areas would already be prohibited under the way the ordinance is laid out. Is there any sense of like how much of that 14% we would allow otherwise without this amendment?

>> Alter: I think that's a good question, but it's for the clarity of saying that it's a danger in the high

[5:36:54 PM]

fire areas. I'm not totally sure if I'm understanding your question because I don't see where it's very clearly prohibited elsewhere otherwise.

>> Flannigan: I understand the rhetorical point and I don't necessarily disagree with it. I'm just trying to understand the impact because it's only 14% and all of it seems to be parkland or preserves, which are already prohibited. And it doesn't really touch any of the areas that I know that we know that there's camping now. So I think it's just --

>> Alter: We've been hearing about camping happening in canyons that are in the high fire areas. It's anecdotal. I don't have the proof and the -- Emma long, for instance, I think is the elevated risk there, not the high risk. And there are areas in there, I would say long canyon and it looks like the some other areas there that

[5:37:58 PM]

are not they're not overlay if you look at the maps.

>> Flannigan: All the fire risk areas that I've heard it occurring are already areas that it's prohibited, greenbelts, parks and preserves.

>> Alter: There are neighborhoods that are high risk.

>> Flannigan: Where it's not allowed now.

>> Alter: Well, they have common spaces within the hoa's and other things that there's not clarity of that.

>> Flannigan: But the hoa areas would be private property and the city can't -- I'm trying to get an understanding if that kind of level of detail has been done. Because if we think it's a really small percentage, then I'm fine supporting it because I think we've already addressed nearly this entire issue. That's all.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: Mcraven, I can give you an -- councilmember Flannigan, I can give you an example, where the area that's in my district that's high fire. It's along the greenbelt. It's not a preserve. And -- pardon? It's along the greenbelt in

[5:38:59 PM]

an area that's not a park and is not a preserve. And it's an area where there has been fires in the past and it backs up against a neighborhood. So I hear your point, and -- but to my mind I think it's really important to protect against these high fire areas. And they're either an area that's already a preserve or they're an area that's not protected. I know of at least one that's not. So I don't see the harm in including it for clarification purposes.

>> Flannigan: I'm just trying to understand. Is that area you're talking about in your district, is it a greenbelt?

>> Kitchen: It is not a park.

>> Flannigan: But is it a greenbelt?

>> Kitchen: What do you mean by a greenbelt?

>> Flannigan: There's a greenbelt in district 6 where there was some concern about camping and there was a question about whether or not a greenbelt is a park. And the staff confirmed that was a park.

[5:39:59 PM]

So that designation is already counted in the camping bans and the curfews and all that.

>> Kitchen: Okay. I've confirmed that my area is not.

>> Mayor Adler: It's been moved and seconded the amendment. Any further discussion? Let's take a vote. Those in favor of the alter amendment please raise your hand? Renteria -- one, two, three. Those opposed? It's Casar, Adler, harper-madison. The amendment passes. Who is off? The master plan is off the dais.

-- The mayor pro tem is off the dais. That amendment passes.

>> Pool: I have an amendment.

>> Can I just make a quick clarifying language suggestion to that last amendment? If council could use the term wildfire instead of fire. Just because the map that you're relying on is using the term wildfire, I think that would be clearer.

>> Mayor Adler: Any

[5:40:59 PM]

objection to using wildfire risk? Hearing none, that's added. Okay. Any further amendments to the substitute? Councilmember pool.

>> Pool: I just passed out an amendment to 9411 subsection B to include storm drains or culverts. And I had asked our watershed staffer to come and talk about the safety issue. Ramesh, are you here? Thank you, sir, for coming. If you could just speak to the safety concerns that we have.

>> About people sleeping in culverts.

>> Good afternoon, mayor and council. Can you repeat the question?

>> Pool: If you could speak, please, to the concerns that we have about people speaking in culverts and storm drains.

>> It is unsafe for people to be sleeping in the culverts and it is possible that sometimes they may block [indiscernible] And as

[5:41:59 PM]

a result it may cause flooding.

>> Pool: I think we can't hear you.

>> It's not safe for people to be sleeping in the culverts. And it's possible that depending on the size of the culverts it may block the flow itself, that could cause flooding.

>> Pool: Could it also potentially cause loss of life?

>> Yes, that's a possibility, yes.

>> Pool: Okay, thank you.

>> Mayor Adler: Councilmember pool moves the lying in storm drains. Seconded. Any further discussion? Councilmember Casar.

>> Casar: To me this is already clearly prohibited. So I just don't want to keep adding things into the ordinance that are already clearly prohibited.

>> Mayor Adler: Okay. Yes, councilmember Ellis.

>> Ellis: That was going to be my same sentiment. I don't know if that could be a employ that in the police chief's bulletins moving forward if that could be explained explicitly? Because I think obviously we

[5:42:59 PM]

don't want people sleeping in places where office all of a sudden there's a flood coming or an increase in water, so I just wanted to kind of double-check and make sure that could be written in that way instead of having to be listed out in a separate line item of the ordinance?

>> Pool: Mayor, if I could ask Mr. --

>> Mayor Adler: Is that a question for the chief?

>> Ellis: Yes. Chief Manley? Thank you. I know I probably have a lot to discuss. As far as adding in a separate line item to the ordinance about being in a storm drain or culvert, my preparation would be that materially endangering yourself might be sleeping in a culvert. And as Ramesh from our watershed department has confirmed that, could that be part of your training materials going forward that culverts are interpreted as materially endangering yourself?

>> Yes. We included a line that

[5:44:00 PM]

talked about sleeping in -- I don't know if it was in culvert, but it was in waterways that are prone to flooding and we actually had included in there as well that we would work with our watershed

protection and other groups to identify those areas. So I think that we could work with them to identify those areas, and include it in the language we have.

>> Ellis: That would be very helpful because I agree with the sentiment and don't want people sleeping in places that could be flooded, but just want to make sure this is very clear and concise as an ordinance for your officers. So thank you.

>> Mayor Adler: For what it's worth, and you don't need to stay here anymore, but I imagine there will be a whole series of these. And the question is do we want them in the ordinance or is it something you can put in the training bulletin? So you might want to be listening to this conversation as it happens. Thank you.

>> Pool: Mayor, I have a question on that for the chief.

>> Mayor Adler: Go ahead.

>> Pool: Chief, we talked earlier about whether you had authority, whether your officers had authority to relocate people or ask them to move if they were in a situation where health and

[5:45:01 PM]

safety was a concern. And the point was made that we needed to have language in the ordinance in order to provide that direct authority so that that could happen. And in fact, that is why we're here today is because often we were missing that clear and concise authority that your officers need. Is the owe sew so my question here is without including this in subsection B, without including the language, camping sitting or lying down in or on a storm drain or culvert, if we do not insert this, do you have the authority, do your officers have the authority in order to relocate someone for health and safety concerns or do you actually have to see that they are in an imminent threat situation? Like there's already water flowing in the culvert and we're in a flood situation.

>> I think with the interpretation we've done with the training bulletin, I guess including the language would then then it

[5:46:02 PM]

because it's in the ordinance, but what we would be doing is making an interpretation that that conduct is dangerous because of the fact that that is an area that is prone to flooding. So it would be stronger if it's in the ordinance, but I still plan to include it as it is in the training bulletin with further direction once we work with watershed. But if you're asking would it strengthen it, yes, it would, but I plan to address that.

>> Pool: Thank you, chief. For Mr. Cop la, we planned on including this sentence in subsection B in order to strengthen the ties to authorities and to provide the clarity for our officers, correct?

>> I mean, I concur with what chief Manley just said. I think it would be a strengthening. He why.

>> Pool: I don't know why we wouldn't include it. It's fairly common sense. Provides the clarity that we told the public welding trying to offer up. It states it very clearly

[5:47:04 PM]

rather than having to go to another document and to find the direction in, for example, a guidance document that the public may not have access to. Our officers certainly would and they would certainly have the training. But for someone who is looking for clarity themselves who don't have access to those training bulletins, this would provide the assistance that I think would be helpful.

>> Mayor Adler: The pool amendment is in front of us. It's been seconded. Further discussion? Councilmember Flannigan.

>> Flannigan: I concur with councilmember Ellis on this. I think things that are very clearly defined that fall under the chief's discretion I would like to stay under the chief's discretion. I don't want to get into aviation where we have delineated so many things that it becomes questionable if it's not delineated, are those the only ways that public health and safety are violated? I think the chief and the officers should have the authority to determine when someone -- as they do on other matters. So as we go through the series of items that I think are in front of us that is how I will be reading them.

>> Mayor Adler: Further discussion? It's been moved and

[5:48:04 PM]

seconded. Councilmember kitchen.

>> Kitchen: I just have a question, councilmember Flannigan.

>> Flannigan: From a legal perspective if we list a number of things, is that a concern that that means if we don't list them the chief can't enforce them? Would it not be inherent in what we're saying that this is a list that it doesn't imply and it doesn't say that it's the only places because you still have the standards?

>> I think certainly adding to the list you still have the restrictions that are available in b-1, so those aren't changed. You can add to the list, though, certainly.

>> Mayor Adler: It's been moved and seconded. Any further discussion on the amendment? Councilmember alter.

>> Alter: I support this

[5:49:05 PM]

amendment. I think our community is asking us for clarification and I think there is value in stating some of the places. We all agree that we shouldn't camp there, but our community isn't hearing that. And there's value in this document is a document that which communicates things to our community and so I think there's value in it.

>> Mayor Adler: Okay. Mayor pro tem Garza.

>> Garza: I guess we all hear different things from our perspectives, but it sounds like people were asking for certain kinds of enforcement. And the chief just said he thinks he can enforce this without that additional language. So if that's already clear, I don't see the need to keep adding more places, more places because if it's not on there does that mean that they don't enforce it even if they think it's, you know, -- so anyway, I won't be supporting this amendment or any additional amendments

[5:50:08 PM]

that add different places.

>> Mayor Adler: Okay. Further discussion on this amendment. Let's take a vote. On those in favor of this amendment please raise your hand. It is Pio, alter, pool, kitchen, tovo. Those opposed please raise your hand? The other balance of the dais. That does not pass. Councilmember alter.

>> Kitchen: Mr. Mayor? We might need to -- could we take a break for dinner at this point in time?

>> Mayor Adler: If we're close I'd just as soon see us finish.

>> Kitchen: I don't think we're close.

>> Alter: It's only to get clarification on the imminent rep, but I would like to move this amendment because it will be very critical for my vote and I would appreciate knowing where we are before we break.

>> Mayor Adler: I think we also had councilmember Casar indicated she had to leave earlier tonight.

>> Kitchen: I just have

[5:51:08 PM]

concern on the dais for someone would not not feeling well and it would be help Dolph have a break for her.

-- Helpful to have a break for her.

>> Alter: Do you want to break before we do this one?

>> Tovo: If you want to do this one -- I may need to step off here soon, but okay.

>> Mayor Adler: If you want to take a few minute break or something, let me know. Councilmember alter.

>> Alter: I move to amend 411 B 2 of the document to part D that says on a sidewalk. So it would be -- it would be a violation if they camp, sit or lie down in a public area and the person is located. Part a is arch or salvation Army. Part B is within a quarter mile of my shelter. Part C is within the 15 feet of a doorjamb and part D would then be on a sidewalk.

>> Mayor Adler: Okay. It's been moved to amend it to have no camp, sit, lie on a sidewalk. In the city. Is there a second to that amendment?

[5:52:09 PM]

Councilmember pool seconds that amendment? Is there any discussion?

>> Flannigan: Mayor?

>> Mayor Adler: Councilmember alter, you can address it first.

>> Alter: So our chief law enforcement officer has indicated that clarity with respect to not allowing camping, sitting or lying down on a sidewalk is a top priority for being able to maintain public order and I think we should include it in the ordinance.

>> Mayor Adler: Okay. Any further discussion? Yes, councilmember Flannigan.

>> Flannigan: When I read part D, that already prohibits camping on sidewalks across the whole city, right?

>> Mayor Adler: This would add sit and lie.

>> Flannigan: I see, thank you.

>> Mayor Adler: Any further discussion? Let's take a vote. Those in favor of the alter amendment to add sit and lie on sidewalks, please raise your hand. Tovo, kitchen, pool and alter. Those opposed please raise

[5:53:10 PM]

your hand? The other seven on the dais. That does not pass.

[Applause].

>> Mayor Adler: Further discussion? Any other amendments to the substitute?

>> Kitchen: Yes, mayor. There's a number of additional amendments.

>> Mayor Adler: Okay.

>> Alter: Maybe we should break.

>> Kitchen: I think we should allow a break and come back.

>> Mayor Adler: What's the will of the council?

>> Alter: I'm also waiting for a clarification from legal on the imminent threat issue that I need to figure out over the break.

>> Garza: I have a question. Do we have an idea of how many additional amendments? That would be helpful, even if we could have the additional amendments, that would be helpful as well.

Councilmember kitchen, you had asked for us to post all of our things and that's why I did it last time and I'm not offering any more amendments. I posted what I was going to post. So is there -- if there's any more and we're going to go on a break, can we get those?

>> Kitchen: Do you want me to speak to that?

>> Sure.

>> Kitchen: Yes, mayor pro

[5:54:11 PM]

tem. It's nothing new, it was what was in ours that we're now attempting to address in this one because this one left out a lot of the areas that we considered to be important. But I'm happy to pass them out so everybody will have them.

>> Garza: Okay. Then I have a question for that, mayor. You posted a procedure also on the message board and the purpose of that was to try to keep this process efficient and we're essentially going beyond that now because the point was there are those of us who don't want anything to change, who think -- who stand by what we did and think it was the right thing, and the chief has said that he has -- he can provide some clarity to his officers. There are others who want what I believe are significant changes, and I thought the point was procedure was to -- for us to be efficient in this. And now if there's going to be the exact same amendments on the tovo-kitchen being brought on the substitute, that was the point of making

[5:55:11 PM]

that whole procedure your, I guess, recommendation. So I'm just -- I'm just wondering if we will stick to that or if we're essentially not going to stick to that.

>> Mayor Adler: I think that Robert's rules requires them to have the -- the makers of those amendments to have the ability to be able to do that. Only way to cut that short would be to cut debate. That would require two-thirds vote or eight people on the dais. But absent cutting off debate, museum on the dais -- people on the dais would be entitled to offer amendments.

>> Kitchen: Mayor?

>> Mayor Adler: Yes, councilmember kitchen.

>> Kitchen: Mayor pro tem, I understand what you're asking for. I think it's only fair to have -- to address. There's only a few more. So on -- there's one related to accessible ramps, one with creek beds, one to medians, which is a why critical thing I would like to discuss. I've made some changes in

[5:56:12 PM]

response to people's concerns, but I would like to discuss it. There's also a -- something that I think is important related to the south Austin housing center. So there's just a couple more areas and I'm happy to pass those out so that you can see them. I just think out of respect to our colleague we should take a break.

>> Mayor Adler: Okay. And if you're able to come back before dinner break -- if everyone is able to come back after dinner I think it would be appropriate for us then to take that break. Before we do, though, break, for dinner, there's one person I want to call up to give a chance to speak to us us, given some special circumstances. Is -- we have a speaker, Keith Lofton. Mr. Lofton, do you want to come down and speak to us? Mr. Lofton has signed to speak on item number 47, his ride taking him home will be here momentarily. So we're going to let

[5:57:13 PM]

Mr. Lofton speak. Come on down, sir.

>> My name is Keith Lofton and I'm with the Riverside street. I think it should be more affordable apartments, which right now if you go to academy, you pay \$25 for a tent. And you know, how can you afford it if you don't make enough. And people like me that don't have no problem job and want to live in a house -- known don't have no job and want to live in a house can't afford it. They need more affordable housing, accessible housing. That's what I think that they should do. And approve sidewalks and

[5:58:14 PM]

entry where people can go especially like the disabled people can come and go as they please and need no help. We need more affordable housing and every other thing that the councilmember will give us.

[Applause].

>> Mayor Adler: Thank you. All right, council. It is 5:58. We're going to take a recess now for music and proclamation. We should try to come back and quickly as we can. We have lots of people. We have this still to resolve and then we have Riverside still to call up and three other -- two other zoning cases than that. 5:58 we are in recess.

[6:10:11 PM]

[♪ Music ♪]

[6:11:12 PM]

>> Mayor Adler: This is pretty cool to have the Tiarra girls back with us here today.

[Cheers and applause] I will unabashedly admit that I am a Tiarra girls groupie. It's true. I've been accused of following them around the city at concerts. That's not true.

[Laughter] But what I will say is that a lot of the concerts that I am at in this city are situations where artists are performing in support of community causes and community benefits, whereby whereby -- where we use music in this city to convene people, to introduce people to the things they need to be introduced to, to start conversations on things we need to have conversations about, to highlight the need for

[6:12:13 PM]

support for music, for gender equity, for general equity, race equity in our music infrastructure. This is also a group that did public service -- I'm not reading off the notes here, by the way -- that did a public service piece and track that you can go on YouTube and find to encourage people to vote that are turning 18. So I ran into -- run into these people a lot because they're kind of doing the mayor's job but they're doing it holding guitars and playing the drum. The Tiarra girls is a fierce sisterhood, Tiffany, Tori and Sophia Baltierra, they are three-time Austin music award winners, alumni of the Ann Richards school for young women leaders.

[6:13:13 PM]

[Applause] The band is archived in the Austin history center as the youngest Latina band in Austin, Texas. With diligence in making their own music that has influenced many genres, the power trio delivers an eclectic sound and anthemic, empowering both in English and in Spanish. Please join me to welcoming to our main stage the tiarra girls.

[Cheers and applause]

>> Thank you. This one is called leave to the people and it's about coming together to make change. So yeah.

[6:14:14 PM]

[🎵 Music 🎵]

[6:19:45 PM]

[Applause]

>> Thank you.

>> Mayor Adler: Great, great, great. As always, great to have you back here, guys. So if somebody was watching this on TV or will watch this on TV because it plays a lot and they want to find you, do you have, like, a website or a place for people to go?

>> Yeah, tiarragirls.com, and our Instagram is tiarra girls band, tiarra girls, all that jazz, we're on apple music and Spotify if you want to listen to what we just played.

>> Mayor Adler: That's cool. Those were the next questions I was going to ask. If somebody wanted to come see you, where's the next gig? Where they might be able to do that?

>> We'll be playing November 16, eastside Austin merchants festival, I think. Yeah we're taking kind of a break to take some time in the studio and writing.

[6:20:47 PM]

>> Mayor Adler: Oh, that's cool. So, you know, big fan. Remember really well the piece that you did a year and a half ago as we were heading into the 2018 election to urge people to vote. How does somebody find that track?

>> Oh, the pas?

>> Mayor Adler: Mm-hmm.

>> They are on YouTube. You can find them on our social media as well, and we're -- I'm actually being filmed for a documentary by the amazing Joe Rocha. What a guy. I love him.

>> Mayor Adler: That probably gets cut.

[Laughter] All right. So thank you for being here. I have a proclamation. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because Austin audiences support good music produced by legends, our local

[6:21:47 PM]

favorites and newcomers alike and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capitol, together with my colleague, councilmember Renteria and councilmember harper-madison and all of my colleagues on the dais do hereby proclaim October 17 of the year 2019 as tiarra girls day in Austin, Texas.

[Cheers and applause] Thank you.

>> Make sure you guys go vote.

[6:26:03 PM]

>> Harper-madison: good evening, ladies and gentlemen. When I was approached about having the opportunity to read this proclamation I literally giggled. This young lady here, Annie may city is the daughter of John and Mabel Williams in smithville, the sixth of 18 brothers and sisters. Annie Mae married in 1945 and she had three children, five grandchildren, nine great grandchildren, and eight great, great grandchildren. And whereas in 1944 Annie Mae served our country as a Rosie the riveter in California and later returned to Austin working at Brackenridge and whereas in her volunteer work she's continued to aid the ill, homebound and incarcerated and others served by the university seventh-day

[6:27:03 PM]

adventist church, Annie Mae is also a world traveller, and a poet, and whereas we are pleased to join the family members in honoring Annie may city as they celebrate, y'all wait for it, her 105th birthday.

[Cheers and applause] We extend sincere happy birthday greetings -- happy birthday to you. I like you so I won't sing to you. Now, therefore, I, Natasha harper-madison, Austin city council district 1, along with the mayor and colleagues on Austin city council do hereby proclaim October 17, 2019, as Annie Mae city day.

[Cheers and applause]

[6:28:32 PM]

>> I want to the say thank you each and everyone that has a part in what I'm doing. I thank each and every one of you for being here, for upholding me in what I'm doing and for all the things that I have done. I thank each and every one of you. Thank you.

[Applause]

[6:30:56 PM]

>> Mayor adler:all right. We have a proclamation. This is something that just fits in so incredibly well with the brand of this city, as a sustainable, forward-leading city. Be it known that whereas Austin reuse day promotes and celebrates reuse, including reselling, upcycling, repairing, sharing, borrowing and swapping of goods, and whereas the city of Austin supports reuse year-round through its recycle and reuse drop-off center, recycled reads, the fix-it clinics, Austin materials marketplace, move out, atx and the Austin reuse directory, and whereas reusing goods and materials furthers the city of Austin's zero waste goal, economic goals by creating jobs and investment in reuse

[6:32:01 PM]

and social equity goals fulfilling charitable material years. Therefore, I, Steve Adler, mayor of the city of Austin, Texas, together with my colleagues on the council, do hereby proclaim October 20 of the year 2019 as Austin reuse day.

[Applause] I'm gonna give this to Amy Stansbury with the econetwork.

>> Thank you so much. I want to say briefly, hi, my name is Amy with the Austin econetwork we're a network here in Austin and cleave collaborating with the city of Austin to create something called the Austin reuse directory. We first worked on this project a few years ago and the goal was to create a database where austinites could figure out where to donate or sell used items, your clothes, your

household items you don't want anymore but don't want to put in the landfill. This year we started a new

[6:33:01 PM]

initiative where we worked even more on the directory and added ways for you to buy used goods as well, so really making that not just getting rid of things but where can you find cool thrift stores in town for clothes new to you and one of a kind and support our reuse economy in that way and a lot of other people up here today represent a lot of those businesses. For me I always love to see when environmental issues and the economy can come together and be doing a good thing for the environment can also be good for a small business community so that's what is so cool about the Austin reuse community here in town. So if you're want to go support reuse in Austin this whole weekend is Austin reuse weekend and several different local nonprofit organizations and thrift stores and reuse stores in town are gonna be offering discounts for people who donate items and then want to buy something that's new to them at the stores this weekend. You can look up more information about that on Facebook. It's Austin reuse directory, and we have more information

[6:34:03 PM]

on Austin econetwork.com. Thank you, all.

[Applause] P business plan

[6:35:11 PM]

>> Casar: good evening. I'm Austin city council member Greg Casar, standing alongside my colleagues and before I present this proclamation I do want to Bragg on Alicia for a moment. She's gonna be accepting this proclamation, but Alicia has really, although they work with a broad community has made such an impact on me, on this community on such a wide variety of issues, intersex awareness day coming up is something that she has really brought forward. She's taught me and pushed so many other folks on awareness of intersex issues, LGBTQ issues in general, she was a key advocate for the fight for paid sick days not just in this city but multiple cities. Thank you, Alicia-- for having made this happen. Be it known that city of

[6:36:12 PM]

Austin recognizes intersex persons face stigma, harassment and persecution on account of their sex characteristics which do not fit binary notions of typical male and female bodies and whereas we bear witness of -- we bear witness to this violation of basic human rights and fight for those human rights and will strive to do better as a city celebrating diversity of all Austin residents, including and especially intersex individuals and whereas the city of Austin will stand in solidarity with intersex persons around the world in recognition of intersex awareness day on October 26, 2019, at the city hall peninsula plaza and we'll see throw, in partnership will recognize that day with interact the human rights and equality Texas therefore I, Greg Casar on behalf of mayor Adler and my colleagues on the city council do hereby proudly proclaim October 26, 2019, as intersex awareness day in Austin, Texas.

[6:37:13 PM]

[Cheers and applause]

>> Flannigan: I'm councilmember Flannigan from district 6 and I want to also thank Alicia for her advocacy on intersex issues. I have worked in the LGBTQ community for many, many, many years, and it is an honor to be the first openly gay man to serve on this council. But for all those years, you know, we don't always include the intersex community in that fight and in that work, and I want to thank Alicia for her advocacy to ensure that every part of our beautiful rainbow is included in the advocacy and that we stand up in Austin for all of our residents regardless of really anything. We stand up for everyone here, and I think that evidencedly all the work we're doing today but especially, Alicia, your work for the intersex community.

>> Thank you.

[Applause]

[6:38:13 PM]

>> Thank you all so much for making this happen. Thanks, everyone, for being here. I'm gonna keep this quick because y'all have a long time ahead of you working on homelessness. Keep it decriminalized. Sorry, had to plug that. So, yeah I'm here representing all the kids that had to grow up ashamed of who they are. That's gonna change. And I'm also here to stop the white supremacist patriarchal homophobic mutilation of bodies that don't fit what certain people feel like it should. We're all valid. We exist. We're here. We're gonna keep fighting for you. So I turn around to all my councilmembers, thank you for being here. This is the beginning. This is not the end. We're gonna do a lot of work together to protect intersex for our rights. Appreciate you all. Can we get a hug real quick.

[Laughter]

[Applause]

[6:40:12 PM]

>> All right. Good evening. I'm Delia Garza, mayor pro tem, councilmember for district 2. For those who weren't able to be here earlier, we have officially made the November election day Texas vote day in Austin, Texas. It is -- that will be going forward and we are also now working with city staff to make that a paid city holiday for city of Austin employees and also adding to our legislative and state agenda the need to make it a holiday. Because of Texas' unfortunate history of voter suppression, most recently we've just seen in this year the state trying to purge almost 100,000 predominantly Latino voters from the rolls and thankfully they failed but obviously it wasn't for lack of trying. So it's so amazing to have -- to see organizations that have been doing this work for a long time, as well as organizations that are relatively new but making sure that we are

[6:41:13 PM]

doing all that we can to get our community engaged, get them to the polls. I mentioned earlier, you know, I grew up in a family that was very politically active. My parents took me into the voting booth with them. I've taken my daughter into the voting booth with me, but not every family has the luxury to be able to do that as a family and so we need to get out there and make sure folks are engaged in voting. So these three groups have done amazing work reaching out to new young voters in Texas. That's important because voting is a habit. When you start voting early you keep doing it for the rest of your life. So the impact that move Texas, Texas votes and jolt are making will change Texas for decades to come. I'm gonna read a proclamation. Be it known that whereas outreach to young voters is important to increasing civic engagement and voter turnout as young voters will comprise one of every three voters in Texas within the next decade and whereas move Texas registered over 3,000 new young voters in national voter registration day in

[6:42:15 PM]

2019, in five Texas cities including 464 new young voters at six college campuses in the Austin area alone, and whereas Texas votes has registered almost 12,000 university of Texas students to vote in the 2016 and 2018 election cycles, and helped raise voter turnout among university of Texas students such that the Austin campus was recognized the most improved undergraduate turnout in the country and whereas jolt increased civic participation of Latinos through programs like the

[indiscernible] Are empowered to pledge to defend their family and community by voting. I also want to mention I was there at the capitol when they did that very powerful protest. It was amazing. Therefore, I Delia Garza on behalf of mayor Adler and my colleagues recognize move Texas, Texas votes and jolt for engaging a new generation of Texas voters. Thank you for your continued work.

[Applause]

[6:43:25 PM]

>> Hi, everyone, I'm the former president of Texas votes and today Texas votes is represented by current and former presidents and vice presidents of Texas votes. Mayor pro tem Garza, mayor Adler, councilmembers thank you so much for this honor. We are a nonpartisan student organization at the university of Texas at Austin. We pour hours and hours into making sure our students are registered to vote and cast informed ballots in the elections. We've been invited into hundreds of classrooms to register tens of thousands of students in classes where they're supposed to be and we also coordinate the civic engagement alliance, which is an alliance of over 110 student organizations that are political and nonpolitical that commit to helping engage their corners of campus. We're honored to be here today to receive this proclamation from the Austin city council. As our work heavily focuses on preparing our students to be active and engaged citizens of the Austin community. On behalf of all members of Texas votes and fellow

[6:44:26 PM]

longhorns, thank you so much for this proclamation.

[Cheers and applause]

>> Hi, everyone. My name is Elsa and I'm former president of volt action. Behind me are amazing volunteers that have dedicated tireless efforts, hours, and a lot of emotion to get Texas youth out to vote. At jolt we believe that the latinx youth in Texas has potential to transform our political system. We're jolting the system to get the representation we need in alliance with everyone else in this room. On behalf of jolt I just want to thank you so much for recognizing our efforts. Thank you.

[Cheers and applause]

>> Hey y'all, my name is Charlie bonner, here with move Texas and with our incredible Austin field team celebrating national voter registration day and thanking y'all for your commitment to help empower more young Texans. We're working to engage a new generation of Texas voters. Just this week we passed 20,000 new young people

[6:45:27 PM]

registered just this year, adding to 30,000 from last year. So we are hoping to register 100,000 new young people going into the 2020 election. That's going to fundamentally change the electorate here and make sure politicians are really putting the priorities of young people in city halls, in the state house and in the white house. So thank you so much for having us and thank you for this recognition.

[Applause]

[6:47:27 PM]

>> Hello, everybody. I'm councilmember Ann kitchen. I'm really honored to be able to present this proclamation for councilmember tovo. I know she wished that she could be here. So -- and I'm also just very proud of the work that the sobering center has done. A little over a year now, I guess. And it's -- it took a while to get it going, but it is -- it's an amazing Progressive idea for our community and is making a huge difference in people's lives so I really admire the work that y'all do. So be it known that whereas since 2018 austin/travis county sobering center has provided a safe environment for publicly intoxicated individuals to sober up and, when appropriate, initial recovery and whereas the sobering center is dedicated to enhancing public health

[6:48:30 PM]

and public safety by providing an alternative to the emergency room or jail and whereas the sobering center aims to improve the health and well-being of those individuals who struggle with substance use disorders, as well as to connect those individuals to treatment and recovery resources and whereas we are pleased to acknowledge the hard work and dedication of the austin/travis county sobering center and its staff who have worked diligently to serve more than 2,479 clients -- that's a really big number. That's great! To serve more than 2,479 clients and to help bring further awareness to the community on substance abuse. Now, therefore, I, councilmember Ann kitchen, on behalf of Steve Adler, mayor of the city of Austin, Texas, and my colleagues on the city council do hereby proclaim October 1 as austin/travis county sobering center day. October 1 marked the one year anniversary for these

[6:49:31 PM]

guys. So thank you all very much for everything you do.

[Applause] Does anyone want to say anything?

>> On behalf of the sobering center staff and board, I want to thank the city for its continued support as well as Travis county. We have an incredible staff that works very hard to serve folks that in a time of real need and so we thank you for this proclamation and we look forward to increasing our numbers and helping people reach recovery.

[Applause]

[6:51:09 PM]

[Recess]

[7:20:39 PM]

>> Mayor Adler: We about ready to pick this back up? Today is still October 17th, 2019. It is 7:20. We have a quorum. We are still in discussing the Ellis substitute. On item 29. Councilmember Casar.

>> Casar: Mayor, councilmember alter just handed out this -- oh, you can, I just wanted to make it quicker by saying that I am supportive because I think that this is what we all assumed the whole time.

>> Mayor Adler: I'm going to let councilmember alter lay out her amendment.

>> Casar: I just wanted to say that.

>> Mayor Adler: Then I will ask if there are any objections to it being included. Councilmember alter.

>> Alter: So I move to amend 9411-c of the substitute document as

follows: C, unless a law enforcement officer determines that there's an imminent health or safety threat, a law enforcement officer must before citing a person for violation of the

[7:21:39 PM]

section make a reasonable effort to. So it adds unless a law enforcement officer determines that there's an imminent health or safety threat. And I conferred with Ann Morgan during the break and her recommendation was to include it. And she identified the right location for that. If anyone wants to hear from her, she's prepared to speak.

>> Mayor Adler: Is there any objection to that amendment being included?

>> Kitchen:, mayor, I'd like to vote on it, please.

>> Pool: And I'll second it.

>> Mayor Adler: Councilmember pool seconds it. Any discussion? Those in favor of the amendment please raise your hand? Those opposed? Unanimous on the dais with councilmember tovo off. Any other amendments to this that someone wants to bring?

>> Kitchen: Mayor, I have one.

>> Mayor Adler: Councilmember kitchen.

[7:22:40 PM]

>> Kitchen: I'm sorry. Okay. Are you ready?

>> Mayor Adler: Yeah. Why don't you lay it out.

>> Kitchen: So this amends subsection B to put it in wherever the appropriate place is. And it's to clarify that there are restrictions on camp, sitting or laying down on a traffic strip, median island, traffic island or other similar area, under a highway overpass that separates opposing traffic flows with either a painted area or a raised curb where one of the traffic flows is a Texas u-turn lane. So I want to read it all out because this is one of the areas that we want -- this is one of the items that I made changes to after hearing people's concerns. I had heard that there was some concerns before.

[7:23:41 PM]

We had just talked in terms of traffic islands and median strips and I had heard some concerns about where those might be and that it might be too broad. So I added language that would define it more specifically that relates more closely to the concerns about safety. And that is I added the language under a highway overpass and then I added the language, where one of the traffic flows is a Texas u-turn lane. So the example that I'm aware of is the area under the Ben white overpass at manchaca, which I think folks are familiar with and some of our -- some of the people that testified spoke to that area earlier. And I have -- I also have something else to pass --

>> Mayor Adler: Let me get a second to that real fast. Councilmember kitchen moves the amendment she's handed out about camping, sitting, lying on a traffic island. Is there a second to that

[7:24:41 PM]

amendment? Councilmember alter seconds that.

>> Kitchen: The only other thing I was going to say here is that we've received information from the neighborhood association that is right there that is asking us to make this clarification. So I wanted to pass that out for everyone. So if there are still concerns about this being too broad I'm happy to work with the language, but I think it's important to clarify both for the public and the folks that live in that area as well as other areas in the city that these places are not safe to be.

>> Mayor Adler: Okay, thank you. Discussion of this amendment? Chief, can you come down?

[7:25:49 PM]

>> Mayor Adler: Thank you, again, chief, for spending yet another entire day with us.

>> Absolutely, mayor.

>> Mayor Adler: There's an amendment in front of us now that would add specifically that it's an offense to camp, sit or lie on a traffic island, a median strip, a median island, an intersection island or other similar area under a highway overpass that separates opposing traffic flows with either a painted area or raised curb where one of the traffic flows is a Texas u-turn lane. And councilmember kitchen, who made this, said that in her mind she was thinking about the overpass at manchaca and Ben white. In your bulletin, the training bulletin, on the existing law that says that people shouldn't be at a place where they're endanger themselves or others, you put in specifically that people shouldn't be, you know -- shouldn't be where

[7:26:51 PM]

they are so close to a roadway where there's a substantial risk that a car could leave the roadway and strike a person camping or the like.

>> Yes.

>> Mayor Adler: And here's my question, because I'm real appreciative that you did this bulletin and I'm thinking of the area that councilmember kitchen's thinking of with the overpass. At manchaca. But probably a couple of others in town. Maybe where congress avenue crosses over Ben white and people have a grill right next to the traffic and the like. I mean, some of those to my eye seem to be pretty unsafe for the reasons that you have. And I know that there's a resolution that may or may not be passed by council that urges staff to take a look at those. But you have it in your authority right now consistent with the bulletin to look at something like that and say this just really isn't a safe area for people to be. Is that correct?

>> Yes. We included that language to address situations like you're describing as well as

[7:27:51 PM]

just other places where people are conducting that type of behavior too close to the vehicular traffic on the roadways.

>> Mayor Adler: So would we be expecting over time here shortly for you and the force and the manager to start identifying those areas and keeping everybody safe?

>> Yes. What we're working on is the approach where the first step, unless it's an extremely hazardous situation that needs to be immediately addressed, we're working on those opportunities to first work

with the homeless individuals to look for housing opportunities or other places, but then after that to go ahead and take the appropriate action, keeping in mind we have to pay attention to that danger factor. If we're doing this because their conduct is dangerous, then we really don't have the time to wait in those circumstances, but it is meant to address again those folks that are too close to the traveled roadway separated by curb only, as well as some of these highway overpasses, even if there's a guardrail there, we have seen crashes where

[7:28:51 PM]

the dynamics of the crash will put a vehicle over that guardrail and therefore could pose danger or hazard to those individuals under that overpass.

>> Mayor Adler: So when you're applying that section, you might apply it not only to the area that's described here by councilmember kitchen, but you might be applying it to other similarly unsafe spots. In the city.

>> The language that's included in the training bulletin is not limited to just under overpasses and the language as I understand it in the amendment that's being looked at now also talks about the slanted portion of the embankment and others. And depending upon how far set back that is, that might not address a hazard.

>> Mayor Adler: And this isn't a sloped one. I think that may be coming in a second.

>> Sorry.

>> Mayor Adler: That's okay. This one was traffic island, median strip under an overpass -- under an overpass separating traffic flows with a raised curb where -- next to a Texas u-turn. So in this case I think,

[7:29:51 PM]

councilmember kitchen, you've done a really good job of try to narrow it down to one specific area, and my concern with this is I think it needs to be broader as is the law just to endanger. And I'm concerned about putting something in the ordinance that limits your ability to look at any median or any -- and I know it doesn't limit it, but I'm much more comfortable keeping the general language you already have in our ordinance, which says correct situations where people are endangering themselves or others. And then address it as you have done here. And I guess it's -- you have the ability to go after exactly the spot that councilmember kitchen is raising if you think that's unsafe, it looks to be unsafe, but it also enables you to go after others as well. And I just wanted to make sure you had that authority and power.

>> The way it's written now it's meant to address both conduct under bridges and in other areas that we deem to be hazardous.

>> Mayor Adler: Thank you, chief.

>> Kitchen: Mayor?

>> Mayor Adler: Councilmember Casar and then

[7:30:51 PM]

we'll come back.

>> Casar: For similar reasons, chief, first of all, I appreciate the approach of taking -- once there is not an imminent danger to try to connect folks to services first. I appreciate that you all are working on that approach. And I just can't support this for the same reason that some of the things described here may not -- the police department may not find it to be dangerous, in which case I don't think they should be included, but whenever the police department does find it to be dangerous and meeting the standard here, I would leave it up to them to decide what is dangerous in this situation.

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: So I'm just curious, and maybe our esteemed lawyers can answer this one. I don't know if it's Mr. Crawford or somebody else. There you go, Mr. Coppola. So let's say we have a situation where an officer under the training bulletin takes some action along these lines. And we end up in a lawsuit in a courtroom and we're having to defend the action that the officers took. And we would be pointing to language in a training

[7:31:53 PM]

bulletin that is not specifically stated in any ordinance language, but rather is inferred from some ordinance language based on what we're talking about here because what we keep saying is well, we don't have to say it in the ordinance because it is inferred and covered by interpretation and adoption in a training bulletin, which is a lower level document than an ordinance. So Mr. Coppola, if we were in a lawsuit in a courtroom, would that carry as much weight saying it's in a training bulletin as opposed to direction in an ordinance?

>> You know, I think were a case to be prosecuted, if somebody was camping in an area that was dangerous because it was too close to a roadway, I think the prosecutors would be pointing back to the language in the ordinance, which is there now that you're not allowed to camp if it's a spot that's endangering yourself or others. So I think they would be pointing back to the ordinance. The training bulletin is merely, as you suggested,

[7:32:53 PM]

councilmember, interpretation of what's in the existing law. It's not -- it doesn't carry any sort of legal authority in and of itself.

>> Pool: Right. Which is why I think we are all wanting to be crystal clear in the ordinance because we don't want to leave anything to interpretation and the possibility in a courtroom situation that we may be allowing ourselves to be vulnerable. So I support the specificity that is offered in this amendment and of course in some previous amendments for those same reasons. Thanks.

>> Kitchen: Thank you, councilmember pool. That's one of the reasons for the need for clarity in the ordinance itself. The other thing about it is just a couple of questions for you, chief. So when you're -- first off, would you read to me that language in the training bulletin? I'm sorry, I don't have it in front of me, that you're relying on.

[7:34:01 PM]

>>>> Mayor Adler: Chief, I have a copy of it here if you don't.

>> Kitchen: Sorry, I thought he had it. I don't have it. Okay. Chief, all right, I found it. So are you relying on the language that says is close enough to a roadway where there is substantial risk that a car could leave the roadway and strike a person camping.

>> Correct, that's the bullet that we're looking at.

>> Kitchen: What constitutes substantial risk?

>> That's as we are in many of these circumstances, the officer's judgment. That is our experience with working crashes, our experience with understanding the dynamics of vehicles and what can and can't happen in crash situations. And whether the circumstances we find someone in pose that hazard. So it's another one of those circumstances that we have where it will be up to the officer's interpretation and judgment.

>> Kitchen: Okay.

[7:35:01 PM]

So the interpretation of substantial risk has been up to each individual officer, and that's what we ask them to do. So there's nothing wrong with that. But that's how you have to interpret that, right? So basically what we're relying on is we're two steps removed in terms of interpretation. We have -- we're using a standard that is in the ordinance that's not specific, and so we're interpreting that standard in the ways that you have listed here. And then what you have listed here has to be interpreted again by each individual officer, and that's the way you have to work obviously. So wouldn't it be much clearer if

we actually stated in the ordinance that the specifics of the area that we're talking about, because then it would not be subject to each individual officer's interpretation, nor would it be something that you had to in a court of law that you couldn't rely on. So wouldn't it be clearer to have the actual language in the ordinance?

[7:36:03 PM]

>> I do think if we were in court testifying on an action that we took under this provision, whether it be ordinance or training bulletin, I think if it's spelled out in an ordinance it would be much more clear for the court and that would address the circumstances that this amendment looks at. We would still leave the training bulletin in place to address other circumstances that might be applicable, but are not covered under this amendment that's approximate being considered right now.

>> Kitchen: Thank you.

>> Mayor Adler: Further discussion? Councilmember Flannigan.

>> Flannigan: So --

>> Mayor Adler: I've been told for the people that are watching us on TV, the closer we can get to the mics, the better off we are. Mr. Flannigan.

>> Flannigan: I'll try. The definition of this amendment took a little effort to figure out what that meant and I started looking through spot-checking googlemaps areas that I thought would qualify here. I think there's a lot of diversity of width that would comply with this area

[7:37:03 PM]

and I don't know that the intention is to do as much as I think this will do. And I'm also concerned about the really hyper focus on prosecution when we're really trying not to criminalize folks. We are trying to get them help. And I think police discretion is exactly the sweet spot for getting that done, identifying where things are safe, where they're not safe, letting our officers make the very complex decisions as they have to do on a regular basis.

>> Mayor Adler: Further discussion? Councilmember Casar.

>> Casar: What I understand from the current ordinance is that dangerous medians, as if somebody is on a median in a dangerous way then our current ordinance covers it. The reason I oppose the ordinance is if a police officer thinks it's not dangerous. So not dangerous camping say on a median as councilmember Flannigan mentioned is wide enough that somebody is far enough away and not bothering anyone, the not dangerous part would then be covered, which is why I can't vote for this.

[7:38:04 PM]

>> Mayor Adler: Councilmember tovo.

>> Tovo: Yeah, I'm going to vote for it for the reasons that one of my colleagues, I think it was councilmember pool, articulated earlier. There's a value of providing all of the information or most of the information and specific examples within the ordinance itself. I think it is a value to individuals experiencing homelessness who want to know which areas camping is and is not allowed. I guess it's a value to the public and I think it's a value to our law officers to have those within it. There was a concern raised earlier that perhaps it was more limited than the training bulletin. I thought that councilmember kitchen, you had addressed that by adding in language in our version that said including. I don't know where that is carried over to the mayor's version or not. But that would be -- that would be one way of mitigating that concern, putting the word including in, so it's clear that there are examples of places that would be hazardous, but

[7:39:04 PM]

there might be some that weren't envisioned. I think having -- the way the conversation has transpired concerns me a bit where we seem to be providing direction to the police chief to put other examples in a training bulletin. We don't direct the police chief. That's beyond our role. What the we do have charter ability to do is amend an ordinance. So the way this conversation is Tran expiring concerns me a bit. And again, I think for clarity for all of those who might wish to be really clear on where camping is and is not allowed, I think it's best in the ordinance.

>> Mayor Adler: Further discussion? Councilmember alter.

>> Alter: I seconded this and I support the motion. I'm concerned about this interpretation that's all on the police to interpret it in the training bulletin. That seems to give a lot of discretion to the police and that seems to run counter to the points that were raised

[7:40:05 PM]

through the discussion all the way along. So that makes me uncomfortable. And I'm going to support being very specific where we need to be.

>> Kitchen: Mayor?

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'd like to call up our transportation department. The other thing that concerns me is we are expecting our police to be experts in traffic issues. And there are reasons why medians are not intended

for people to camp on because there are safety issues. So councilmember Flannigan, if you have concerns about the width, I'm happy to add an amendment to specify a width because I'm not -- you know, I'm not talking about usually wide medians. I'm talking about these medians that are dangerous. So Mr. Dale, could you speak to the fact that I know in conversations that I've had with the transportation department and with the information that you all

[7:41:06 PM]

provided us awhile back actually where you listed definitions ever places. I know that medians were one of the areas that were listed as not intended for people to spend a lot of time on. That they were intended for areas for people to pass through. So I just would like for you to speak to that.

>> Jim Dale, assistant director for transportation department. Yes, most -- medians are used for just temporary refuge for pedestrians as they pass through that area. In terms of the areas that you're talking about in the language here, of course the concern I think is everyone knows here is with the u-turn traffic mounting the curve and like the chief had mentioned too, even crossing over the guardrails at times could impair -- could definitely put someone at risk who is there for prolonged periods of time.

>> Kitchen: And would that be a greater risk for a bigger vehicle like a bus if there's buses going through

[7:42:07 PM]

a turn lane, would that be a greater concern in terms of a vehicle going through a guardrail and being of danger to people there?

>> There's two main aspects that we look at in terms of risk here and that is the volume of traffic, it's automobiles as well as the larger trucks, but also the speed of the traffic. Txdot has mentioned about -- has criteria for distances back from a curb for clear zone areas, but that varies. There's a spectrum of that. And now you run into like the chief has mentioned, and he can better speak to it in terms of having to measure distances for law enforcement, but also being able to convey that information to the people who are there where they can be and where they can't be.

>> Kitchen: Thank you very much. I have one last question for the police chief if that's --

>> Mayor Adler: That's fine.

>> Kitchen: Okay. So chief Manley, have you

[7:43:09 PM]

determined that the intersection at Ben white and manchaca is an area that falls into the definition of close enough to a roadway. There is a substantial risk that a car could leave the roadway and strike a person camping?

>> I know we've talked about this a time or two. I don't have exact measurements for how far that danger would exist, but given the traffic that travels through that intersection both the volume of traffic and the speed of traffic, I believe that that would fall in the description that we've given as being hazardous, but as far as how close to that guardrail we would make that determination, I as the police chief am not going to give direction saying if someone is within that seven feet or eight feet or whatever that would look like or 10 feet or whatever, it's really going to be up to that officer on the scene because again they'll be the one in court to testify as to what they observed that day that made them believe that that person's being in that space posed that hazard.

>> Kitchen: Thank you very much.

[7:44:09 PM]

I'll just close -- should I close then? I think this is an instance where it's a responsibility of the city council as a policy matter to make a statement about safety. I have offered to narrow this, but I'm not hearing from my colleagues any other language. I'm happy to make the language more specific if there's a concern. And I'm also not hearing why people are concerned. So if they are concerned. So I hope that you all would consider voting for this. We have no assurance that this would -- that these areas would be considered dangerous. And I think it's our responsibility for public health and safety to vote on this. So I would appreciate your vote.

>> Mayor Adler: Thank you. Manager, in this discussion

[7:45:09 PM]

about the ordinance and what we've done and what we might do or could do, I think the point is well taken that none of us here should be or could be instructing the police chief on what he should be doing or not doing doing. But we can talk to you about managing this city generally. From a policy standpoint the council has said we don't want people materially endangering the health and safety of other people or themselves. It would be one thing if we were hearing from you and hearing from the department, the transportation department, and hearing from the police department, that none of the islands that we have are unsafe. If that's what we were hearing and the council felt differently then I think the council might very well need to act. But what we are hearing from both transportation and from the police is that we have islands where there are people that are not safe and people materially are

[7:46:11 PM]

endangering themselves. In that instance I think that the city needs to act and I think that you as the manager I think to, in managing this city, need to make sure that that's not happening. I for one, I understand where you are. I think that the council has made the policy decision in saying we don't want people materially endangering -- your staff seems to indicate that there are places around where that would qualify. If that's the case, then you need to implement the law, I think. And I think that's a better way to do that because it's not limited just to the circumstances that's being proposed here, but to other islands or medians that that might also be similarly unsafe or might be unsafe that don't meet this criteria.

>> Appreciate that, mayor. I think part of the conversation that we're having right now is also the manner in which that is implemented. So as the chief mentioned, if it's not an immediate danger, then there will be discussions that we would have with those individuals

[7:47:13 PM]

so we could get them to services as part of the discussion here, and that may take time. So I think the immediacy and the gauge in which our staff are looking at each of those situations does vary with each situation that they encounter.

>> That makes sense, Jimmy. As long as we're moving forward because I also support that deliberative process and balancing those two things. So I appreciate that. I appreciate that it's moving forward. Any further discussion on the amendment? Councilmember kitchen.

>> Kitchen: Okay, so I'm not sure what I'm hearing here. So am I hearing, city manager, that there's agreement that the kinds of areas I've described are dangerous?

>> I think what you heard from the chief is we look at these situations on a case-by-case basis. As we look at those situations we will determine, our staff will determine how quickly there is a need to potentially move people to a safer environment. But if the danger isn't imminent, then that conversation may take place over time because we need to

[7:48:14 PM]

make sure that they have appropriate available resources to connect them to the services. Unless we are directed differently through these ordinances to take action in a more immediate circumstance.

>> Kitchen: I wasn't asking about the -- I certainly understand that it takes time to take action. I'm asking more about the determination that an area is unsafe. So I'm not sure what I'm hearing. Am I asking we have made a decision as a council or as staff that the areas that I've described here are unsafe? Or is there still a judgment call to be made?

>> I'll defer to the chief and to the transportation department. I don't know every single traffic island. So this is broader than that and so without knowing exactly every single situation and how large those areas are, it would be hard to make a determination to the spot.

>> Kitchen: Okay.

[7:49:14 PM]

So there's still a judgment call to be made, and it sounds like there's still a judgment call to be made about the example that I provided. So we don't have any clarity unless we put this in the ordinance. And then there's clarity. So that concerns me and I don't want us to pretend that we are promising to the public and the folks that live in that area that we're making a decision today that that area is unsafe because that's not what we're doing.

>> Mayor Adler: Further discussion? Councilmember pool.

>> Pool: I'm also concerned, frankly, about allowing people to be on medians and in culverts and in high wildfire risk areas for example, right here in these medians, so we would allow them to set up camp there unless and until there is evidence of imminent risk to their well-being. So what happens if at 2:00 A.M. On a Friday night an

[7:50:17 PM]

18-wheeler comes through the Texas u-turn and mows down that camp site and kills the people that are on the median, and are we liable? What is the city's liability? I mean, how do we -- how do we prove that we have done something to protect that particular person who has now been the victim of an awful, awful accident, wreck, whatever, they weren't expected to be there and it was late at night and maybe it was rain, all kinds of things. But somebody died. And that's on us. Is that okay? I don't think that's okay at all.

>> Mayor Adler: Further discussion on this amendment? Let's take a vote. Those in favor of the kitchen amendment, please raise your hand.

[7:51:18 PM]

Tovo, kitchen, pool, alter. Those opposed please raise your hand? It's the balance of the dais. Next item. Are there any more amendments to the substitute? Councilmember kitchen? Councilmember tovo, I'm sorry.

>> Tovo: I'm going to ask my colleague to lay it out.

>> Pool: So this is councilmember tovo's motion and I'm going to help with this. I move to amend subsection 9411-b to include camping, sitting or lying in the bed or on the bank of a creek or river and within five feet of the top of the bank of a creek or river.

[7:52:19 PM]

This is for both safety concerns in flood risk areas and also for the environmental concern for fragile edges of our creeks and river banks. And I don't know if there is -- who to call on for -- Ramesh?

>> Mayor Adler: So councilmember pool reads in councilmember tovo's amendment. Is there a second to that amendment? Councilmember tovo seconds the amendment. Go ahead, councilmember pool.

>> Pool: Yes, sir, Ramesh, could you speak to safety concerns both for a person on the bank of a creek or a river bed, including five feet from the top of the bank, and also the vulnerable nature of our riparian edges?

>> Ramesh with watershed protection. So there is an inherent risk

[7:53:19 PM]

for folks to be close to the creek in a channel. It's hard to determine if it's five feet because there could be where the creeks are narrow enough and -- I'm sorry. There are times when the creek is narrow and the banks are pretty steep and five feet is too much. And there are times when the five feet is too little. So it's hard to determine if there's a specific way to say five feet is the right number. There's always -- what we do is wherever a situation comes and you get into a situation and depending on the case we would determine if there is a blockage, there's a flood risk, there's all of those risks identified, and then we would make a determination based on that. So it's hard to say if five feet is the right number. Fooled but if you don't look at the five --

>> Pool: But if you don't look at the five feet and perhaps I emphasized that too much. The larger point being creek beds and the edges of river beds and the banks, the camping in those -- the general vicinity of a creek

[7:54:21 PM]

and a river.

>> So there are vicinities of the creek which are farther enough from the creek which may not immediately pose a flood risk. There are times when the creek would rise even during a 100 year flood event where the water might not rise --

>> Pool: Based on the floodplain.

>> Floodplain. So there are multiple things that go into making that determination. So it's kind of hard to say that the top of the bank is safe or unsafe. So we would pretty much go and look at it from a case-by-case basis.

>> Pool: But this amendment would give you the authority to go and do that and provide us with some specific information on where that may or may not be safe for a person to set up a camp.

>> We currently do that right now, not just for encampments, but obstructions to the bank or in the creek channel. If a citizen were to call and complain about, say, an object on the bank if it's causing any problems, we would go and investigate that right now. And we do that -- that's something that we would do right now. So atop the bank or in the

[7:55:22 PM]

bank is considered dangerous and we would either remove it or if there's an encampment we would remove that or have that removed.

>> Pool: Very good. And I see Mr. Coppola, did you have anything that you wanted to add as far as the legalities and the additional authorities that this gives city staff in whatever department to keep a close eye out for the health and welfare of people who may be pitching tents and living along creeks and river beds?

>> I guess I just want to clarify the amendment if I can because it is for camping, sitting or lying. And I think a lot of the discussion -- I guess my especially petition is just sitting or lying in an -- impression is just sitting or lying in a river bed --

>> Pool: They may actually be just cooling off.

>> Right. I think in terms of protecting health and safety, I think that camping is -- narrowing it a little bit --

>> Pool: I think that's a really good amendment. We can just delete the words sitting or lying because we

[7:56:23 PM]

don't necessarily want to get involved if somebody is cooling a but the camping for sure in particular because that indicates a situation where somebody would be sleeping potentially also R. And also have all their personal belongings with them and to get cashed away by a flash flood would be -- that would be quite a tragic situation.

>> Absolutely.

>> Pool: We would not be able to help them and they would really be vulnerable. So with the indulgence of the dais, if you would please take out sitting or lying in that first --

>> Mayor Adler: Do you want to put it to a vote?

>> Pool: Sure.

>> Mayor Adler: Okay. I wasn't asking for that, but it's consistent with what you said earlier you wanted to make sure all the amendments were put to a vote.

>> Pool: Absolutely.

>> Mayor Adler: It's been moved the amendment to the amendment is that we strike sitting and laying.

>> Tovo: Mayor, I don't think that's -- if I could. I think it was just inadvertent that sitting and lying was in there. And I'm not sure that councilmember pool understood the question you were asking about whether it was necessary to put to a

[7:57:25 PM]

vote the removal of sitting and laying.

>> Pool: The taking out of sitting and lying, I am amending my own amendment.

>> Tovo: And that was really the intent.

>> Mayor Adler: Is there any objection to taking out sitting and laying? Hearing none, it's taken out. Continuing on.

>> Tovo: Mayor, I want to say a couple of things about this. Back when we had our special called meeting and there was one ordinance with certainly alternatives, there was agreement among parties outside of today's subquorum that we did want to restrict camping in the bed and the bank of a creek or river. Where there was disagreement and where you saw the alternative was inking the banks of the -- was along the banks of the river. I'm not clear why there was support for making sure we're prohibiting camping in a creek, in a river a month ago. And today we seem to be hearing concerns about that. So I just -- I just need to

[7:58:26 PM]

be -- I need somebody to please weigh in and help me understand why that is.

>> Mayor Adler: Which are and then councilmember Ellis.

>> Casar: I think in September there was a failed attempt to try to build a more instance consensus on this, but then as in now I don't think we need to add things into this that are already clearly prohibited.

And you can see in the chief's training bulletin it says it is prohibited to camp in a creek bed. So it's already prohibited now. And I just don't support at this point at this hour with this number of amendments trying to go in and add everything that's already prohibited in and then as they mentioned, just deciding that five feet from a creek bed is, per se, dangerous, means that there will be some cases where your five feet and it's not dangerous as all and we're criminalizing that. And there are some cases where six feet is actually what's dangerous in that situation. So that's why I'm against this amendment.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: I was going to

[7:59:28 PM]

ask Mr. Samathian. I was reading something when you answered the question. It's already prohibited for people to be occupying these areas in the creek bed?

>> If there was a complaint that there's somebody in the creek bed, we would go look at it to make sure there's not any blockage and whether it's a person or an object or anything, even if it's a large piece of wood, we would make sure that blockage is removed. That's part of what we do to reduce flood risk.

>> Ellis: Okay. Thank you for repeating that. If that's already the

>> Ellis: Okay. Thank you for repeating that knowing where the top of that bank or creek is something biologists have to go out there and look at, see what is a high waterline, what does it look like because it's not just flat land, a U and flat land. So I'm okay with just sticking with the interpretation that's already happening.

>> Mayor Adler: Any further

[8:00:28 PM]

discussion? Councilmember tovo.

>> Tovo: Yeah, to be clear, I don't have -- I have the chief's bulletin, but as you captured it, and as I remember from my memory of reading it, it speaks to creek's, not river beds, it doesn't speak to the banks of a creek or river. We had areas that are extremely unsafe. Wet a situation in shoal creek last spring where an individual -- I don't know if he was in the creek or on the bank or where he began but he was experiencing homelessness and drowned. So I think this is a very high priority area to make sure that we're making it clear that this is not an area where we want to see camping. I understand the trepidations about the bank. I understand that there were differing opinions about this. To me, that is also about protecting the water fault of our urban creeks, which we know from past discussions are challenged. And so having -- having people

[8:01:29 PM]

living along -- right up to the edge I think is also something we want to discourage. But at a minimum, I would hope we could get consensus for clarifying what is currently not in the bulletin, which is that camping would be prohibited in the river banks and along the -- in the river beds, as well as the beds of both the creek and the river. And so if it's helpful, perhaps we take them up separately. And so -- and I will make that amendment to your amendment, which is that we first take up prohibiting camping in the bed or on the bank of a creek or a river.

>> Mayor Adler: Okay. Councilmember tovo is moving to -- you're saying divide the question first.

>> Tovo: Yes.

>> Mayor Adler: Okay. So councilmember tovo first wants to see if there is a majority of people to say camping in the bed or bank of a creek or river, then take a subsequent vote on the

[8:02:31 PM]

five feet of the top of the bank. Councilmember Flannigan.

>> Flannigan: Just to reiterate, because I know we're going through a lot of these, I don't want the chief or the public to misunderstand that these votes are not making determinations. What I want to see is what I heard from our staff, which is the experts in safety, the experts on watersheds are the ones determining where it's safe to be. I'm not going to support any part of this because it is precisely the type of context-sensitive situation we need our experts making the determination for. I know how it's all going to get reported later but I wanted to make that clear.

>> Mayor Adler: Okay. Are we ready to take a vote on the divided question? Councilmember kitchen?

>> Kitchen: Thank you. I appreciate that, councilmember Flannigan, but I just need to say that the determination is made by the police chief. So not under this ordinance.

[8:03:31 PM]

So -- so it's not made by our water quality experts. And I'm not sure -- no offense against the police chief, but I'm not sure they're experts in water quality.

>> Mayor Adler: And in this regard, just for the record, the bulletin says that the chief has determined and instructed and trains his officers with respect to endangering that they could look at action, justifying enforcement under the endangering prong, including camping in a public area in a location or

manner that, then it says in a creek bed or other area prone to predictable flash flooding, and then he says that the -- the bulletin says the department will provide additional guidance on specific locations of flood-prone areas. I think in his testimony earlier he said he would be working with other city staffs to make that determination. All right. So we have -- let's take a motion. Those in favor of adding camping

[8:04:32 PM]

in the bed or in the bank of a creek or river, please raise your hand. Tovo, kitchen, and pool. And alter. Those opposed, please raise your hand. The balance of the dais. Doesn't make it. Okay. Any other amendments? I'm sorry, what? Yes, go ahead.

>> Alter: So I know there are some folks here that are frustrated about going through the amendments. We spent a lot of time in putting together our item 29, and had thought a lot about areas where we thought it was important that we clarify for the community what we thought was dangerous and to preserve safety. And I appreciate hearing my colleagues' interpretation being different about what is allowed

[8:05:33 PM]

under the training bulletins, et cetera, and I just want to point out that there is value in in folks feeling whether these places are safe or unsafe for the communities. Our preference is to have it in the ordinance because I think the community is asking for greater clarity in having to go look at the training bulletin or leave it to too much discretion doesn't provide that clarity, but I think there's value in having this conversation that even if those amendments don't pass, we have some greater shared understanding of what we all mean by it, even if we disagree on the process and what is providing the most clarity. So I just wanted to make that observation. I think it's been helpful to hear those perspectives. I disagree on that, you know, from a legal perspective and a process perspective, but there is still value in us having that conversation and clarifying that we are in broader agreement about

[8:06:37 PM]

those elements.

>> Mayor Adler: Thank you. Councilmember pool, do you have an amendment?

>> Pool: I do. And this one is to amend the organs 9-411, subsection B, to include camping, circuits or lying down on an Ada accessibility ramp. The reasons for this I think should be pretty obvious.

>> Mayor Adler: Is there a second to the pool amendment? Councilmember kitchen seconds it. Go ahead.

>> Pool: But if not, I think Jim Dale, our favorite Austin transportation department director is still here, and I think Mr. Coppola and Ms. Fireside also are here. So I'd like to ask our -- let me start with public works or, let's see -- I'm sorry, transportation. Let me start with that. I would like to ask our transportation staff, or law, so both of you gentlemen, thank you, about the importance of keeping Ada accessibility ramps clear of obstruction.

>> Is it all right if I start, Chris?

>> Of course.

[8:07:38 PM]

Please.

>> First I'm going to have to let rob know that comment that was made here, that may get his attention even while he's traveling.

>> Pool: I know. The longer you stay in this room, the higher the elevation of appreciation.

>> Jim Dale, assistant director for transportation department. So, yes, the accessibility ramps are very important to our community. There's considerable city funds that are put forth to constructing those ramps. Public works leads the program. We also install them as well, as far as signal reconstruction and so forth, so very important to the folks experiencing mobility impairments. And really, it's doing a number of things to provide safety for them, to be on the sidewalk and not in a travel lane, also being able to provide access to other transportation services like transit, as well as businesses, residences, parks, libraries and so forth, and then mobility in general, just to get to those places. So very important part of our transportation infrastructure.

[8:08:39 PM]

>> Pool: Thank you so much. Mr. Coppola.

>> I guess just to add to that, the city is obligated under title 2 of the Ada to construct and maintain an accessible -- accessible public areas and compatibility ramps are part of that -- excuse me -- accessibility ramps are part of that obligation on sidewalks where new sidewalks are constructed, those sorts of features need to be constructed with them.

>> Pool: Thank you.

>> Mayor Adler: Yes, councilmember Flannigan.

>> Flannigan: Chris?

>> Yes, sir.

>> Flannigan: Does that mean its requirement require that they be unobstructed?

>> It's a requirement that they're built to a certain standard in the Ada. I don't think it would be fair to say it's a requirement that it be prohibited to -- that the city have a criminal prohibition on camping, sitting, or lying there. I don't think that's required by the Ada.

>> Flannigan: But we already have rules in place that allow us to move people if they're blocking

[8:09:41 PM]

an Ada ramp.

>> The current -- you know, the current ordinances, 9-411, camping ordinance, and 9-414, 9411 prohibits people from camping in areas where they might be impeding progress in the right-of-way, then 9-414 at it stands now in the downtown area has a similar prohibition preventing people from obstructing those areas. There's also a state law which prohibits obtain construction of a passageway.

>> Flannigan: So we already have the authority to require people not to block Ada accessible ramps, is that --

>> I think if a person is camping there, yes, bought 9-411 prohibits camping in a way that obstructs those years, then 9-414 prevents obtain constructions in those area in the downtown area. Then, again, I mentioned there's a state law that prohibits

[8:10:44 PM]

obstruction of a passageway.

>> Flannigan: And that state law that prohibits obstructing a passageway would apply to all Ada accessible ramps across the city?

>> It would apply. There's always a question about when a person is obstructing it.

>> Flannigan: Sure.

>> But it does apply to passageways, sidewalks in general, yes.

>> Flannigan: Okay. So, mayor, it does seem like realready are -- it seems like we're already required to keep the ramps open and free.

>> Pool: I'm already confused, you were saying there were authorities in 9-414 that would help with this, but they're not in 9-411 because of sitting in line piece. Is that correct?

>> 9-414 as it currently stands, which applies in the downtown area, prohibits obtain constructions, it's - that's what the title of it is, obstruction in a downtown area, it prohibits obstructions in the same way that the camping ordinance -- camping code currently. It prohibits a person from intentionally, knowingly,

[8:11:47 PM]

recklessly rendering the use of a public area, making usage of such area inconvenient or hazardous.

>> Pool: Thank you.

>> You're welcome.

>> Mayor Adler: Further discussion on this? Let's take a vote. Those in favor of this amendment, please raise your hand. Tovo, kitchen, pool, alter. Those opposed, please raise your hand. That's the balance of the dais. Does not pass. Any other amendments? Councilmember kitchen.

>> Kitchen: Okay. Sorry, let me get this passed out. Okay. The amendment I'm just going to make directly onto the substitute motion, substitute ordinance that we're working from, because I didn't have it prepared, wasn't sure how this was going to come out, so on page b-2 of the Ellis

[8:12:53 PM]

substitute, b-2b that talks about the boundaries around -- well, let's see. Okay, actually, now I need to ask a question about this. So this is talking about a quarter mile within any shelter outside the CBD? Is that the intent of this one? Okay. Well, then I may need an amendment because my concern is, what I passed out to you was the map around the -- around the south Austin housing center, and you can see that one quarter mile is not sufficient, given that terrain. So I think what I'd like to make my amendment to be, within -- so the language right now it reads, within approximately one quarter

[8:13:54 PM]

mile. I would say within one quarter -- one quarter to three-eighths miles. So that makes it a little bit more, which will account for the terrain around the south Austin housing center.

>> Mayor Adler: Okay. There's an amendment offered by councilmember kitchen on page 2 to say that the campsite, public area, persons located within approximately one quarter mile to change it to one quarter to three-eighths mile, adding to three-eighths mile. Is there a second to that amendment? Councilmember pool seconds that. Councilmember kitchen.

>> Kitchen: And I have a question for Chris Coppola, I believe. So I had originally thought that the use of the term "Approximately," that's in there now would allow for some discretion by the city manager,

[8:14:56 PM]

but I'm understanding from legal that what controls here is the term "One-quarter mile," so the use of the term it proximally would not allow the city manager to vary that one quarter mile, even given the circumstances in the terrain in a particular area, so that's why I am suggesting one quarter to three-eighths mile. So is that my understanding correct, Mr. Coppola?

>> Well, I think what we've advised about the use -- is more to do with the use of the word approximately. I think using the word approximately in the code is something we would discourage or recommend against, just because it doesn't give as much notice as possible to both law enforcement officers and to the public about exactly where they might be prohibited from camping. I think the -- you know, the requirement for posted signage helps to mitigate that potential

[8:15:58 PM]

due process issues, but in general, I think we would recommend against using the word "Approximately," and setting a more precise boundary.

>> Kitchen: Okay. Thank you. That's why I am proposing a more precise boundary, one-quarter to three-eighths of a mile.

>> Mayor Adler: Okay. Amendment has been seconded. Discussion? Councilmember Flannigan?

>> Flannigan: I don't owe that putting the range is more precise, but I would be willing to strike the word "Approximately."

>> And I think overall what I would recommend is just if it's the will of the -- whatever boundary the council chooses should be the outer most one the council wants to choose, rather than choosing a range, I think it would be clearer to say three-eighths mile or one-quarter mile, you know, whichever the --

>> Mayor Adler: So the reason that I disagree, and I think "Approximately" fits in this location, is because the manager,

[8:16:59 PM]

in designating the boundary, is going to designate streets and it may be as he's trying to hit generally or approximately a quarter mile, if he's following streets, as opposed to taking a limit through somebody's backyard, say, there might be some areas that's just over a quarter mile, there might be other areas just under a quarter mile, that's why it's approximately and it gives the manager the discretion to be able to do that when he sets the boundaries. I think that's helpful. And then by way of notice, I think it calls for the posting of signs. So for that reason, in this particular instance, because it's coupled with the boundary setting by the manager, I think "Approximately" is important.

>> I understand, and I think the signage does mitigate the due process concern, but overall, I'd say it's our recommendation that the word "Approximately" not be used.

>> Mayor Adler: Okay. So the amendment in front of us right now is a quarter mile to three-eighths. Councilmember kitchen.

>> Kitchen: I want to hear the will of the dais. I'm happy to make it

[8:17:59 PM]

three-eighths if people are more comfortable with that. I'm happy to take out "Approximately." I just know that a quarter mile will not work around the south Austin housing center, and that's why I passed out the map because there are schools that are outside the quarter mile on both the east and west, two elementary schools, Galindo elementary and a montessori school. So if the interpretation is that "Approximately" works or some interpretation that I want to be certain that our city manager has the authority to take that into account, and so that's why I just thought the easiest thing to do would be to say three-eighths.

>> Mayor Adler: The amendment in front of us right now is to add three-eighths, one quarter to three-eighths mile. Further discussion? Ready to take avows in those in favor of the amendment, please raise your hand. Coffee, kitchen, pool, Renteria, and alter.

[8:19:00 PM]

Those opposed, please raise your hand. The balance of the dais. The amendment does not pass.

>> Kitchen: Okay. I have another amendment.

>> Mayor Adler: Okay.

>> Kitchen: I would like to understand what people's concerns are with not passing the previous one, and I would like to understand what language you would like to have instead. Because I can also propose language specific to the south Austin housing center if that's what the objection is. But I think that -- I think I conserve to hear what the objection is. We promised people with regard to the south Austin housing center that we would take things into account when we're dealing with shelters in a

neighborhood. So I am trying to make a very simple change, and so I ask for guidance from my colleagues, if you don't want to say three-eighths to one-quarter, what would you like to say?

>> Mayor Adler: Council?

[8:20:03 PM]

Any further amendments to this section?

>> Kitchen: Mayor, I would like to ask you what you would say. Are you comfortable with this at a quarter mile, with what I've pointed out?

>> Mayor Adler: I am comfortable with it at a quarter mile. That's what I was proposing six, eight months ago when we first started talking about it. I think the manager will have the ability to come in with boundaries, and when he comes in with boundaries, if for whatever reason we don't like those boundaries, then certainly the council could step in at that point. We're also not at a place yet where we're setting up the south Austin center, and we're coming up with a generally guideline that applies citywide and I'm comfortable with this being a general citywide guideline. I know there were a lot of people that were thinking that a quarter mile was way too much, way too large a radius, I know there were a lot of discussions about whether it should be smaller than that. There were some people that were suggesting it should be the same distance as the one that was

[8:21:07 PM]

downtown. And I've suggested and argued against that. But I think that this is a good standard for me for the general rule in the city. And if there's something in particular that should happen on any particular one, once that gets closer, then certainly that's something that could be handled, and I think most appropriately at that time.

>> Kitchen: Okay. I have one last amendment then.

>> Mayor Adler: Okay.

>> Kitchen: I just passed out an amendment that is specific to the south Austin housing center. It says no camping, sitting, or lying down within three-eighths mile of the south Austin housing center homeless shelter at the time that the center becomes operational.

>> Mayor Adler: Okay. There's been a motion for an amendment from councilmember kitchen. Is there a second to this amendment? Councilmember tovo seconds it. Any discussion? Councilmember kitchen?

>> Kitchen: I'm proposing this because I think it's important to make certain that we are taking into account the montessori elementary school and Galindo

[8:22:09 PM]

elementary.

>> Mayor Adler: Okay. Any further discussion? Let's take a vote. Those in favor of the amendment, please raise your hand. Alter, tovo, kitchen, and pool. Those opposed?

>> Renteria.

>> Mayor Adler: I'm sorry? And Pio? That's five. Opposed, please raise your hand. The balance of the dais. It's six to five. Does not pass. Okay. Councilmember tovo.

>> Tovo: While we're talking about boundaries from emergency shelters, our draft ordinance changes, and earlier drafts that I thought were consensus positions, had three blocks in every direction, and so it included -- it went to the street on the east side of 35. I notice, mayor -- and then in response to the concern that that would include underpasses, those were excluded, so in the version that we brought forward that's posted on today's agenda, it does have three blocks in every

[8:23:11 PM]

direction, with the underpasses excepted. I will say we did have a fatal accident under one of those underpasses. I'm not sure if it was the ones -- I've forgotten exactly what the cross street was, whether it was further north out of this boundary or whether it was underneath, but I feel confident that the police chief's guidance will identify those areas and the underpasses that are of highest risk. But I do note that your draft changes the eastern boundary and so I would like to propose that we restore that boundary to three blocks from the arch in every direction, including east of 35, in response also to -- in response also to the concern that -- or not the concern but the point you made the other day, councilmember Renteria, that there is at times a pretty substantial encampment outside of Terrazas library. But I would welcome your feedback

[8:24:11 PM]

whether you, as the representative of that district, would support restoring that boundary to brushy street. To restore it to brushy street on the east.

>> Mayor Adler: Is your amendment to also pick up the area under I-35?

>> Tovo: No, it would look exactly like we proposed in our ordinance.

>> Mayor Adler: So you're proposing the eastern boundary to be brushy but not include the I-35 right-of-way.

>> Tovo: Yes.

>> Mayor Adler: Okay. There's an amendment to change the area around the arch so as to make the east boundary brushy, but not including the area in the I-35 right-of-way. Is there a second to that

[8:25:12 PM]

amendment? Councilmember alter seconds that. Is there any discussion on that amendment? Okay. Let's take a vote. Those in favor of that amendment, please raise your hand. Tovo, kitchen, and pool. And alter. Those opposed, please raise your hand. Balance of the dais. That also does not pass. Any further amendments to the substitute? Okay. Then I think we're done with the amendments. Let's take a vote on which one of these we vote on first. If the first one passes, then we'll stop. If the first one does not pass, then we will vote on the second one. Those in favor of voting on the substitute first, please raise your hand. Those opposed? It's tovo, pool, kitchen, and alter voting no, so we'll take up

[8:26:13 PM]

the vote on the substitute first.

>> Let me just make sure the record is clear we would have to have scriveners' errors corrected from all the things that happened on the dais. Just make sure when we write it up, there may be a few corrections that we do.

>> Mayor Adler: That's fine. And also, the effective date would be 10 days and not 15 days. I think it was put at 15 days, but it should be 10 days. Any objection to that? Hearing none, that change is made. Okay? Yes?

>> Alter: What was the rationale for doing 15 days rather than 10 days? 15 days seems to put us into the area when the governor --

>> Mayor Adler: I think it was just inadvertent.

>> Alter: Okay. Sorry. I didn't hear --

>> Mayor Adler: That's okay. Let's take a vote on the

[8:27:13 PM]

substitute. Those in -- yes. Yes. Go ahead.

>> Can you hear me okay? I'm loud, too. All right. Richard Douglas said if there's no struggle, there's no progress. A lot of what we do up here is struggle. Disagreements are a fundamental part of the job and politics in general. I could point to a lot of big disagreements we've had in this city in recent years, but none of them, not one of them have provoked such an intense reaction as the vote we took in June. We've all seen the unrelenting social media, posts that have isolated incidents and dehumanizing language, to paint a picture of a city under siege. There is no, I will illusion on this dais that Austin does not have a serious crisis when it comes to homelessness. But we aren't going to fix anything by giving in.

[8:28:14 PM]

Difficulty, challenge, that's how we make progress. Austin's prosperity is the envy of cities across the country but our great municipal shame is that while our median area income has soared, so has that of our population of residents experiencing homelessness. In light of that fact, reinstating bans on innocuous behavior, sitting and lying, or areas where these residents aren't welcome, for me, is extremely problematic. We've long acknowledged that Austin is a growing city but we need to finally come to grips with the fact that Austin is a big city, and we're going to be true to our -- if, rather, we're going to be true to our claims of being a Progressive city, we have to struggle with our big-city problems and find some big-city solutions to things like poverty and classism and racism. With amendments, I think we were able to improve what was proposed

[8:29:15 PM]

with these ordinance changes, but I personally cannot in good conscience vote to approve either. We've been told countless times now by national and local experts that criminalization of it life sustaining activities such as sleeping, or sitting in public spaces does nothing but hide and shuffle around our homeless neighbors, making it difficult to connect them with services which is supposed to be the point. I'm still proud of the work we did in June and I'm committed to stay in the course of addressing homelessness with proven solutions. I'll be abstaining.

[Applause]

>> Mayor Adler: Okay. Further discussion? Councilmember Casar.

>> Casar: Mayor, I appreciate the work done tonight. I think it's really clear that no one here stood with the idea of repealing the action from June

[8:30:16 PM]

that everyone here recognizes how important it is for us to protect everyone's public health and safety, housed or unhoused, and setting clear rules and expectations. I hope that moving forward from here, we continue to focus on the root cause of the issue, which is providing housing and services, and I think that we're going to stand together in solidarity with the community against the governor taking actions against some of our most vulnerable neighbors. We are not -- we are not going back, and I understand and believe that, together, we'll only go forward after tonight.

>> Mayor Adler: Okay. Councilmember alter?

>> Alter: So I agree with councilmember Casar's last two points, in particular. I want to highlight that everyone up on the days is committed to trying to address our homelessness crisis and help the people in our community, our

[8:31:16 PM]

neighbors who are experiencing homelessness get housed, and that we will stand firm together in the face of what may not be a pretty scene come November if the governor acts as promised. That being said, our community has asked us for clarity on these ordinances. Our police chief has asked us for clear language. Asking to revise these ordinances to help restore a sense of public order does not automatically equate to a lack of compassion for our neighbors experiencing homelessness. I know that our city is compassionate and we overwhelmingly share the same goal of helping those experiencing homelessness. It does not have to be mutually exclusive to provide compassionate care, services and housing for all residents, including those experiencing homelessness, and to also be responsive to our residents expressing their desire to ensure public health and order. The majority of people in Austin do not see these two things as being mutually exclusive.

[8:32:17 PM]

From my perspective, the final product before us tonight does not provide the level of clarity that our community is asking for, or that our law enforcement experts have requested in order to best do their jobs. I believe that we have provided some clarity as to whether or not people can camp on sidewalks or on high risk areas but I believe it is missing important elements from our community to help restore their trust in this body. We have seen extremely elevated levels of distrust and discontent from the public since the June changes, and while I was hoping that tonight we could reach a point where we could quell the bulk of complaints we're hearing, I fear we will not. For these reasons, I cannot support these versions of the ordinance tonight.

>> Mayor Adler: Okay. Councilmember Ellis.

>> Ellis: I just want to do take a moment to say a few words about these ordinances.

[8:33:17 PM]

And I want it to be very clear, these ordinances are only one part of this issue. Our commitment, every one up here on this dais continues to be connecting those experiencing homelessness to housing, health care, and case managers so this they can help get themselves back into housing. Homelessness is a very complicated problem, but our ordinances should be as clear as possible. The rules should be simply stated and the entire community should know what's allowed and what isn't allowed, whether you're experiencing homelessness, whether you're a first responder, or whether you're anyone else who wants our community to be the best that it can be. This ordinance, I think, that we're about to vote on, I know everyone did all of their work with the best of intention in their hearts, and while we may disagree on what is or is not already being enforced, I think it's important that we come together as a community and to realize that our biggest commitment is to housing, health care services, and case management, and that is really what all of this is about.

[8:34:18 PM]

These ordinances are just a piece of it. Thanks.

>> Mayor Adler: I want to say that I'm -- this ordinance is not perfect, and if I was drafting this ordinance myself, it would look different than this. But we're a body and we have people representing multiple districts all over the city, and I think this provides greater clarity than currently exists, it will provide better direction than currently exists, and it achieves some goals, in fact, many of the goals that were supported by most of us. I think we get lost sometimes in the things where we differ and don't recognize the overwhelming number of things that we agree upon. But I also think that the differences that we have, each of the differences that we discussed tonight, however they were

[8:35:20 PM]

resolved, are not going to be as important as having a community that can pass an ordinance and do a pivot to focus everybody's attention and effort and resources on housing people. And in ending homelessness in this city. I know this is hard, and I know this is not perfect. But I hope that we're able to recognize those things and still lead the community to the direction and to the task that is squarely in front of us.

>> Renteria: Mayor?

>> Mayor Adler: Councilmember Renteria.

>> Renteria: This is very difficult for me because I've worked with the homeless for decades. You know. But every -- around Easter, we

[8:36:20 PM]

have a memorial for the homeless that have died out on the streets. And every year it's been going up higher and higher and higher. And it's because they are under the influence, they walk out into the middle of the street and get hit and killed. They're hiding from the police officer in the creeks and the drains and floods come and washes them down to the -- and they drown. You know. They're out there getting murdered, out there in dark campsites, out of site. You know, there's -- unfortunately, you know, in every society, there's always that criminal element. They're not the majority. They're not even close. But a very few of them can make it look like we're under siege. And that's not the case.

[8:37:20 PM]

You know. I know it because I talk to about four or five homeless people that -- I worked with one that he just passed away. He lived on the street for over ten years. He was a veteran. He refused to leave the streets. He had a nickname. Everybody in the community loved him. Sapo. And he just passed away here, just either -- yesterday. And -- but we finally got him off the street, so the last few years of his life he got to live in a group home with other veterans. But he just did not want to leave the street. And he was a very good person. The kids loved him. You know, he liked to tease and play around. He got the nickname sapo because there was a song out there, a Mexican song, that said SAP, SAP, sapo, he used to bounce up and

[8:38:22 PM]

down like a frog so everybody gave him that nickname. I grew up with him, he lived there at the Chalmers court. He was unemployed veteran that came. No telling what -- the Vietnam war did a lot of things, really horrible things to our -- my brothers and sisters that went down there, you know. I was fortunate enough to have a high draft number so I didn't get drafted. But they came back and they were very, very bad shape. And the VA hospitals did not help these veterans when they first came out. In fact, when they came back, they were basically called baby killers, you know. And they didn't have any parade. Everybody turned their back on them. My best friend that I grew up in school, he became -- he was drinking a case of beer a day, you know. Then after a while, I just lost track. I don't know whatever happened to him. He could be out there on the

[8:39:22 PM]

streets right now. I wouldn't know. You know. So these are the people that are out there in the street. And we cannot turn our back on them. You know. And I know it's very hard because you see these people that take advantage of them. They pick them up there -- pick up some of the old ladies there at the arch and take them out to the corner and give them a sign to beg for money, and then he pays them -- he collects the money and gives them drugs and alcohol, and they do that every day. But we need to do something, and I think this is about the best that we're going to be able to do. Is it perfect? No. But I know that it's the right thing to do.

[Applause]

>> Kitchen: So I have a few things I want to say.

[8:40:25 PM]

I think that -- I've said all along, and I remain committed to what I think is a shared goal for all of us, and that's to focus on connecting people to housing. It's so important that -- we immediate to get to a place and we need to continue our commitment to making it unnecessary for anyone in this community to camp in public spaces. That is really the bottom line, and that is the only thing that's really going to be a solution. At the same time, from my perspective, we -- I don't -- I don't -- I don't believe that allowing folks to camp -- not even allowing, I don't believe that protecting people or failing to protect people from camping in places that are unsafe, I don't think that's compassionate.

[8:41:25 PM]

And I don't want to be part of an ordinance that doesn't protect people, that doesn't make a statement on where it's not safe for people to camp. I think it is our responsibility as councilmembers, and I'm speaking for myself, I think it's my responsibility as a councilmember to make a statement and a judgment and a decision on public health and safety. That is my responsibility, I believe, as a councilmember. And I believe that that means that I -- that it's important for me to state in an ordinance where it is not safe for people to camp. I had hoped to be able to vote for this tonight. The council needs to -- the community needs to move forward and put this divisiveness behind us. But I cannot support this. There are a number of areas that I've already spoken to that I

[8:42:27 PM]

won't -- that I won't repeat that are critical areas for the part -- part of the city that I represent. And I think that we have not acknowledged those areas. I don't believe that it is appropriate and wouldn't be responsible for me to think that we had addressed those areas when we fail to put them clearly in front of us so that everyone could see and understand in the ordinance. So I'm sorry that I will not be able to

support this, but it doesn't achieve the goals that I think are necessary. It doesn't achieve clarity. It doesn't make a statement that I think is my responsibility as a councilmember on the places that are unsafe, and so I cannot vote for it.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks to everybody for

[8:43:29 PM]

all your efforts from the very beginning till tonight. I want to thank councilmembers kitchen and tovo especially for doing such a heavy lift on this effort to provide law enforcement officials clear language on matters relating to health and safety. As councilmember alter said, the community has been asking for more clarity on what has been a painful and at times confusing conversation for everybody. As councilmember kitchen said, we need to connect people to housing. But that also means having the means to house them and get them there. The resources and the systems of support for their health and safety, for the health and safety of everyone, everyone in our city. Because most austinites do agree that decriminalization is the compassionate and right thing to do, but it's not enough. We still have to care for people and ensure their health and

[8:44:31 PM]

safety. I do think we were able to move the ball forward on providing greater clarity, but only on one safety issue tonight, and that is camping on land that the city has designated to be a high risk of wildfire. I still believe we need more clarification on the health and safety issues for people sleeping outdoors. I won't rest until we have more clarity and we are able to house people who are sleeping out of doors. Sidewalks are not campsites. They're not housing sites. They are passageways. They are not safe and they are not built for sleeping. And I hope the day doesn't come that I wake up and find out that someone camping on a median who hasn't been moved away or found a better place dies because we've allowed that person to pitch a tent and live there.

[8:45:32 PM]

It just doesn't seem humane to me. It just doesn't seem right. I will also be voting against this because it doesn't do enough. Thank you.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I'm sorry? Do you want to speak, councilmember Garza?

>> Garza: Sure. I just wanted to thank the mayor for the proposed substitute language and I will say again, I stand by what we did in June. I truly believe we changed what, frankly, in my mind, was like modern-day red lining in the city. We decided where certain people could live or certain people

[8:46:32 PM]

could sit or certain people could camp, and I'm proud of the work that we did to change that, and I could not support going any -- what felt like actually broadening that and making the prohibition that you suggested apply to downtown, apply to areas throughout our city. So this is incredibly difficult because I want to vote no on everything. But as councilmember harper-madison pointed out, this has been the most divisive issue that I've ever seen on this council, and my hope is that by voting yes to this substitute language, which includes, and I'm grateful for the work my office did with the advocates and the national law center on homelessness and poverty, my revisions to the substitute

[8:47:32 PM]

language were with their help, and we got every single one of those amendments into this one except for one, and so I'm grateful for being able to, I think, make the June ordinance more Progressive. And so my yes vote is in hopes of our community being able to move forward. I respect all the work that everybody has done. It's been extremely hard. I had to say I don't think it's fair to frame this as, you know, not caring about the possibility of people dying somewhere because regardless if we passed every single amendment, there could have still been somebody camping somewhere that was prohibited and they could have gotten hurt. So whether we approve something or not does not stop bad things from happening.

>> Tovo: Thank you. As I understand the vote before

[8:48:33 PM]

us, we're voting on whether to substitute the current motion for the main motion? Is that correct?

>> Mayor Adler: No. We've taken -- we built out the two substitutes, then we took a vote on which one we were going to vote on first, and the vote was to vote on the substitute first and that's what we're voting on. So before us is the substitute. What I said was, if what we voted on first didn't pass, then we'd vote on the second one.

>> Tovo: So I'm not going to support the substitute motion for the reasons that several of my colleagues have articulated. You know, this has been a tremendously challenging process and I'm glad that regardless of which motion passes, we're making some clarifications. I think that's what our community

needs, both those experiencing homelessness, law enforcement, the general public, but I still think the main motion has a better range of clarifications, and I'm -- and that's really what is needed in our community. And, you know, as several of us

[8:49:33 PM]

have echoed at various points, I'm very eager to move beyond this conversation and kind of back to what we had been focusing on, which is working to end homelessness. That is -- that is what we all need to work together on, and we need the private sector's HP. This is not going to be something that the city can do on its own, nor can our really fabulous housing and social service providers implement all of the solutions we need. So this has to be -- so regardless of where you landed on the question of the ordinances, I hope you'll be engaged, if you're not already, I hope you'll be engaged in that larger process, which is what we really need to focus on of making sure all of our neighbors have a safe Mr. Is to sleep and that none need to be camping outside in our public spaces.

>> Mayor Adler: Reready to take a -- are we ready to take a vote in those in favor of the Ellis substitute, please raise your hand.

[8:50:34 PM]

Harper-madison, Flannigan, Casar, mayor pro tem Garza, Ellis, Renteria, me, seven. Those opposed? The other four voting no, 7-4. It passes. Thank you. Substitute passes. All right. Let's with continue on with our calendar. I think let's take up item number 30. Resolution. Councilmember tovo, do you have a motion?

>> Kitchen: Mayor?

>> Mayor Adler: Yes.

>> Kitchen: Do you want to proceed, councilmember tovo? Or --

>> Tovo: We certainly could, but if there's a will on council to postpone both of the resolutions, that sure would be terrific. As many of you know, I've not

[8:51:35 PM]

been feeling well and I've sort of made it as long as I probably can, but if we're proceeding forward tonight with the two resolutions, I'll certainly stay for that.

>> Kitchen: Mayor, I'd like to propose that we postpone both of these resolutions so we can take them up together. I think asking councilmember tovo -- we have respected other colleagues when they had -- when they had issues, family issues or, you know, whatever issues. I think councilmember tovo, she may not want to say this, and I'll just say that this has been a very tough day for her, and she's not feeling well. I think that we could all address this better if we allow her to go home at this point and postpone the resolutions. I think all of us could focus on the resolutions better at another time. So I could make a motion or --

[8:52:35 PM]

>> Mayor Adler: Well, let's see if people want to think on the dais. The only concern I have, every time we have this conversation, it's a pretty traumatic conversation in the community. And I really want the community to be able to make a pivot from this to actually focusing on housing people in our -- in our city. So my -- let's see what the will of the body is, but being able to resolve these issues tonight so that they don't have to come back to the council -- I hate to put everybody in the community that came and testified today and bring everybody back again, to come and testify yet again for, like, the fourth time, I think.

>> Tovo: Mayor, I certainly don't want to be the reason that people need to come back again.

[8:53:37 PM]

I will remain, though, again, I would just underscore that we have postponed items that were more time sensitive for lesser reasons that one of us had to continually leave the dais because they were basically ill from a migraine. But I will stick it out since I'm sure that's probably going to be everybody's -- or many of my colleagues' preference. I do think there's a value of taking these up on a separate day because they are continuing to be seen through the light of the ordinance and at least the one that we brought forward is, and it's very much about that broader connecting of people and really making a commitment as a council to connect individuals to housing and services. But nonetheless, I will --

>> Mayor Adler: My sentiment is not by any measure an insistence, so I think it's good to hear from other people on the dais. Mayor pro tem Garza.

>> Garza: I'm just -- are there a lot of amendments for any of

[8:54:37 PM]

these? I just assume we were going to vote -- I mean, we could be done with this in, like, three minutes, unless there are amendments. We had a lengthy discussion at work session about both of these, and so --

>> Mayor Adler: Does anybody have any amendments to either one of these? Either 30 or 32? Appears not. Yes, councilmember tovo.

>> Tovo: I would like an opportunity to outline the changes that my quorum made because they were directly responsive to the comments and concerns that I heard on Tuesday. You've just now distributed another version of yours --

>> Mayor Adler: It's the same one that was posted. It wasn't changed.

>> Tovo: Okay. It said version 2. Is that just version 2 and the first one --

>> Mayor Adler: That was posted. Version 2 was posted.

>> Tovo: Can you --

>> Mayor Adler: It was posted before the Tuesday work session -- no, hang on a second.

>> Tovo: I don't think -- usually if it's posted, then it doesn't immediate -- it doesn't need to be on yellow.

[8:55:37 PM]

Could you give us a sense of what's changed since the first one was posted?

>> Mayor Adler: Let me get that. If you want to talk about 31, I'll get that information.

>> Kitchen: Mayor, I would like to make a motion to postpone. I would just like to get us -- I don't think that what's in these ordinances are particularly time-sensitive, and out of respect for my colleague -- and I know that she won't ask for this, but out of respect for my colleague, I'd like to make a motion to postpone, to both resolutions.

>> Mayor Adler: Okay. I'm going to -- I think we should postpone the resolutions. Let's go ahead and postpone the resolutions.

>> Thank you.

>> Mayor Adler: Everybody okay with that? So let's move to postpone both 30 and 32.

>> Tovo: I appreciate that. Thank you. Sorry to leave you all, but I'm going to do that.

>> Mayor Adler: That's okay. Let's go to the next item that we

[8:56:39 PM]

have -- so do you want to do 31? Rainey street? You want to postpone that one too?

>> Tovo: I think it would be the same question, if that's something that we can --

>> Mayor Adler: Does anybody have any objection to item 31 being postponed? Let's postpone 31 as well.

>> Tovo: Unless it can pass easily, that would be my preference district 1 I don't know that it can. I think there's going to be discussions about postponing that, I think it's going to last, too. So let's postpone -- let's postpone 31 as well. All right. So --

>> Casar: 24?

>> I just need to be clear, we're postponing three items to what date?

>> Mayor Adler: Let's let somebody put them back onto the agenda.

>> An indefinite postponement.

>> Tovo: Let's let somebody put them back onto the agenda. They're all ifcs. All right. That gets us then I think to the three zoning cases. Is that right? That's all we have left?

[8:57:41 PM]

Oh, we have -- let's pull up Riverside. Case 46, 47, item 48, case c14-2018-0028, as well as those cases are all ready for approval on third reading, and then we also have item 51, which is case c14 970010 rct, and item 52, case c14 -- they don't require three readings. They just need to be voted important up or down. Staff doesn't have anything new to add since second reading. I'm available for any questions. I'm available for any questions.

>> Mayor Adler: So we pull

[8:58:42 PM]

up all three Riversides at the same time, 46, 47, 48, 51 and 52. Is that right? Is there a motion to approve these? Councilmember Renteria makes that motion. Is there a second to that motion? Councilmember Ellis seconds. Applicant, do you want to come down and talk? You have five minutes, else -- five minutes.

>> I think we've also got some people that signed up, Michael gaudini, nithan chexel on those items. And Michael piano.

>> Mayor Adler: Okay. So you have time donated from nithan chexel and Michael piano. Are they both here?

>> Yep.

[8:59:45 PM]

>> Mayor Adler: So five plus one plus one is seven minutes. Is that sufficient?

>> And Michael gaudini, eight minutes.

>> Mayor Adler: Okay, you have eight minutes.

>> Thank you, Michael whellan on behalf of the applicant. I'm here to talk about the different divisions of Riverside and update you on the package we've made since first reading. We started out by talking about how this property is critical to helping meet important city goals relating to housing and affordability, transit and mobility and parks in the environment. Now we've already discussed these at length so I'm not gonna go back through them at detail but at a very high level. Today existing zoning virtually ensures a suburban style lower density higher cost condo redevelopment auto dependent with no affordable units and little to no services or amenities for residents multiply in contrast the proposed plan would achieve significant affordable housing, establish robust tenant

[9:00:45 PM]

protections and right to return, jobs services and amenities to residents and support a robust system that connects residents to these amenities and helps them move around their community safely and easily. All an imagine Austin center and two corridors. It bears repeating at 400 to 565 income restricted 60% mfi units this would be the largest [indiscernible] As an aside, those 60% mfi units are not just important in terms of locking down affordability, but they're also critical to meeting the city's mobility needs. The federal transit administration new starts grant program places a lot of weight on whether there are 60% mfi income restricted units within a half a mile of the station area, making the city more competitive for key federal transit grants. Deteriorating units that are not income restricted do not count for these grants. Staff will confirm this

[9:01:45 PM]

fact. Back to the bigger picture we've been discussing what does it all mean in real terms? Well, we did two case studies in the area to get a sense of what have redevelopment under existing zoning would mean and then we compared that vision to our proposal. Here's the first case study. This development is

actually adjacent to our site, has the exact same zoning, three of our five tracts, and is facing many of the same market pressures as in 7 acres. What we've seen is that these conditions drove this property to become expensive townhomes with no services, no connectivity to larger community and no affordable units. You can see a picture of them here. These are currently priced at about half million dollars per town home. The other case study is about 3.5 blocks away, facing many of the market subcontractors become \$700,000 time homes with no services and no connectivity. We believe these case studies provide a glimpse of what the likeliest outcome is under the existing zoning.

[9:02:46 PM]

High cost housing with little or no community benefits. This is what will happen. In fact we've actually estimated the total value of the community benefits provided both under the existing zoning and under our proposal. The existing zoning would provide roughly \$9 million in community benefits largely through on-site transportation spending and parkland requirements. In contrast our proposal provides more than \$174 million in community benefits in key areas, including \$90 million in value for on-site affordable housing and non-residential fee-in-lieu, \$76 million for multimodal improvements and a transportation demanding management plan with a circulator bus, transit pass subsidies and more and roughly \$8 million for dedicating 14 areas of now credited parkland making key improvements to the country club creek trail and through parkland fees. Tenant assistance. In addition to all of this, we've also committed to robust tenant assistance package that goes above and beyond what would otherwise

[9:03:46 PM]

be required under existing code. Things like expanded notification rights, relocation assistance, moving expenses, security deposit returns, right to terminate early with no penalty, and right to return to new units including to the affordable units with a first month's rent credit. Now all that is a recap of what we're bringing forward after first reading. Or at first reading. So what has changed since? Well, a number of considerations were raised both from city council and in the community and we sat down to think through them and find solutions that we thought would help make meaningful improvements to our pertaining. I'm gonna run through those. Unit preservation. This one actually came up during first reading, was a question about do -- how do we know that this project will end up being phased over ten to 20 years but can we put something down in writing that requires preservation for a period of time. I think mayor pro tem Garza mentioned this. Yes, we've committed to preserving at least 250 units for at least five years. Base entitlements. This is a question that I

[9:04:46 PM]

think councilmember Casar mentioned about the change in base entitlements today versus what they would be under corridor mixed use zoning. We've gone ahead and agreed to voluntarily limit ourselves to the base height and far we have today and that anything beyond that would trigger an affordable housing requirement. And I want to emphasize that it is both height and far, and I think councilmember alter has also made this a point of discussion on some other cases. Ensuring affordability. This is a big one. I had described at first reading how the tdm will basically force us to provide a robust mixed uses but there are a number of questions aimed at ensuring residential and specifically affordable housing is built into the site. We've addressed that by building in specific triggers that will require us to hit certain benchmarks for providing affordable housing before you can access non-residential entitlements. So the site would need to provide 200 affordable units to exceed 2.5 million square feet of non-residential entitlements and provide 400

[9:05:47 PM]

affordable units in order to exceed 400 million square feet of residential and continue to achieve the full bull out beyond the 4 million square feet. Finally there are general comments about other ways to provide for more opportunities to help the city meet goals and we've come up with two key proposals on that front. In the first, we would do something that as far as I can tell is unprecedented and helps raise the bar in terms of community benefits. We would leverage some of the opportunities on the existing site to partner with echo and immediately make available housing for 100 people who are transitioning from homelessness for at least five years. Something you have spent a great deal of time talking about tonight, which is so important. In order to ensure that this would be successful, however, we would fund on-site support and services for these individuals. All told this would be the largest private commitment into finding solutions for homelessness of this kind to date and we believe would help set a meaningful precedent going forward. Finally we would also help provide deeper affordability

[9:06:47 PM]

levels to Austin residents who are able by partnering with adapt to help bridge a gap they have in one of their projects, ultimately helping Austin achieve additional 27 units at 30 percent and 50% mfi levels. To recap this is along two imagine Austin corridors to fulfill our imagine Austin vision. We have communities with access to affordable housing, mobility options, services and other amenities. Two, closing to keep the existing zoning would virtually guarantee the property redevelops in a suburban style high cost condos with little to no affordability, access to jobs and services or key community benefits. In contrast the proposal under consideration would implement many of our goals and utilizes strategies from a number of city of documents, including the uprooted study which recommends locking down long-term affordable housing through density bonuses and accelerating real estate markets just like this. We believe that the proposal we put forward raises the

[9:07:47 PM]

bar in terms of helping meet the city's goals from locking down hundreds of affordable units to offering a robust tenant package to commitments, to a forward-looking transportation plan.

[Buzzer sounding] I just have two more sentences if I can.

>> Mayor Adler: Go ahead and finish.

>> Including extending our parks and trails networks and to helping find solutions for those transitioning from homelessness. I think we've put together a meaningful package of community benefits and I appreciate your consideration. Thank you very much.

>> Mayor Adler: Thank you. Okay. We have a motion to and second, we have more people in the community to speak. I'm going to call people up. First 20 people get three minutes. Then after one minute. David witty. Is David witty here? Yes, sir. Kathy Cranston is on deck. She had to leave? What about Nicky boiti?

[9:09:05 PM]

>> I'm a bit disappointed --

>> Mayor Adler: Hang on a second. We don't have a mic turned on. Is there a button.

>> Try this.

>> Mayor Adler: That works.

>> I guess I'm a bit disappointed because I spent quite a bit of time honing my skills down to one minute. Okay. But so I'll talk more slowly and take my time.

>> Mayor Adler: Don't feel the need to take it all.

>> My name is David witty, I'm with adaptive Texas. This is my Texas accent, y'all. And adaptive Texas remains neutral on the agenda items 46, 47, 48, 51 and 52. Though we've spoke with the project's developers and have received encouragement of some improvements in the project, we know that Austin's housing crisis and homelessness issue will not even begin to be addressed. By rezoning the properties near Riverside and pleasant valley, also known as the 4700 Riverside project.

[9:10:07 PM]

Therefore, adaptive Texas demands or city leaders focus on three areas for improving housing for all of Austin's citizens. First, affordability. Austin should develop deeply affordable housing, that is 30% or less

of mfi. This project's projections of serving people at 60% of mfi really won't help most of our members or most people on disability income who are getting a little over \$700 next year, starting next year in SSI payments. Secondly, another area that needs improvement by the city of Austin is accessibility. We need to eliminate substandard housing, and that is housing that is not accessible to the people living there. I've lived in Austin since 1975. I've lived in houses and apartments that had steps at

[9:11:07 PM]

the entrance where I had to depend on someone who could carry me in my wheelchair in and out of the front door of the place I was paying rent for. Substandard housing is not fun. We need to enforce the existing accessibility standards. There are plenty of them already that exist. We don't need to rewrite laws. We need to include accessibility requirements in all the new land development and building codes. This is a great time to talk about that. And thirdly, we need to -- the city to focus on integration. We need to integrate housing and housing occupants and not target housing to any specific population. That's the definition of integration. Remember that everyone who needs affordable housing may not be experiencing homelessness yet. Thank you. Any questions?

[Applause]

>> Mayor Adler: Thank you very much. I'll call again Kathy

[9:12:07 PM]

Cranston. Not here. What about Nicky boiti, Olivia tansmarian. You have time donated from Leo [indiscernible] And Sophia Donley. Okay. You have three plus one plus one, five minutes.

>> Thank you. Let's be clear. I'm not against change or growth. I know the city has grown. Displacement on this scale is extreme, even for Austin. And you know this.

[Applause] This domain will add an exponential amount of traffic and a ridiculous 25-year construction project to my area. I will be 61 years old when the project is done.

[9:13:09 PM]

I have a video I've been spending the last two weeks talking to my friends and neighbors that I'd like to show. It has sound.

[Video]

>> Austin's most dangerous intersections, number 9, Riverside and willow creek, my street, number 11, Riverside and

[indiscernible] Number 12, pleasant valley and elmont.

[Indiscernible] You can see these interpretations are within a few blocks of the domain and two of them are actually at the don site.

>> These are my friends and neighbors and this is our home.

>> Riverside is like a really great location for me. It's really close to everything and I don't have a car. Biking has been my main transportation. In terms of pricing it's, like, the last place where it's actually affordable, nonprofit, freelance, artists, I don't think

[9:14:09 PM]

\$2,000 rent monthly would be affordable for anyone that lives on Riverside right now.

>> Riverside right now is like the last area you can get something decently priced, an area where a lot of people when first immigrate whether it be to Austin or the United States they can still find affordable housing. It makes you question what they're doing if this whole area is just gonna be, like, completely redeveloped. And how that's gonna affect the current population and who is gonna be able to live on Riverside.

>> Right now I live at Paul park north, full side student at the university of Texas studying neuroscience, first generation student. There's a giant congestion of students who live here, workers who live here, there are a lot of refugees who live here and rely on the bus. There will be hundreds of refugees that I've talked to who will also be displaced but don't qualify for the kind of affordable housing that they have here. So they wouldn't be able to qualify for affordable housing. They are definitely not making median family income or 60% of the median family income in Austin so won't be

[9:15:09 PM]

able to qualify for this type of housing.

>> All the other places I looked at I couldn't afford. I'm a full-time graduate student and have three jobs currently to pay my rent and other bills. I bike from here on Riverside. I don't have a car. There's sustainable ways to do development without affecting people, and I think we really need to rethink and restructure how we think about affordable housing.

>> This needs to be things and initiatives I think for people, for developers, for people who are building these new buildings, not just that meet the minimum quota that they have to have to build another

story or take up a bigger footprint of affordable housing but really to intentionally make housing that people can afford on a living wage.

>> [Speaking non-english language]

[9:16:29 PM]

>> There has not been a substantial opportunity for significant feedback from the area. So I would like to see planning for the whole area, and I would say that no big developments could come in that did not include substantial affordable housing. So to me it's ridiculous that 250 units would be affordable out of 4,000. When 1300 are being torn down. I would love to see Riverside be a global best practices for figuring out how it can be dense, how we can have affluent people here, and how we can still maintain affordability for the large number of people that live here now in affordable housing.

>> I'd like to say

[9:17:30 PM]

specifically to councilmember Renteria, you said that we needed to work with the developers to get as many affordable units as we can, and I'm asking today why 10%.

[Buzzer sounding] Is as many as we can get? Because 10% affordable housing is 90% unaffordable housing. And, councilmember harper-madison, you asked for creative solutions --

>> Mayor Adler: You're --

>> You asked for creative solutions. Here's a creative solution. 100% affordable housing.

[Cheers and applause]

>> Mayor Adler: All right. Thank you very much. Thank you. So, again, consistent with what we do here I called all five of these cases at the same time. You get to speak one time on the five cases. On the five case numbers, there are five cases. So we're going to call the list just one time. Next up is David king. You can speak on the five items. Is Alex mead here? Why don't you come on down. You'll be next.

[9:18:31 PM]

Mr. King. Three minutes.

>> Thank you, mayor, mayor pro tem, councilmembers. You know, I know you can't help but to hear the folks outside. And the message they're sending you is enough is enough. That's what they're saying.

[Applause] You can come up with all these development cases and wrap them around with wrapping paper and bows and we've got compatibility and connectivity and we've got density. But what we don't have is a community that we used to be there. They're gonna all be gone. And we've talked about this over and over and over again. Our low-income families, our communities of color are getting pushed out and out and we're about to do it again. We're good to do it again. And you know that. You all know that. So I appreciate the five councilmembers who voted against this case. I hope my councilmember will also vote against this case. Because it's wrong.

[9:19:33 PM]

If we -- we can stop doing things this way. It's your choice to stop it. We can do development without displacement. And that's what I'm asking you to do.

[Applause] This case is based on trickle-down affordability. And, mayor Adler, you even pointed that out in the land development code, that you would go for long-term affordability even if that meant that we're gonna scrape and get rid of existing affordable units because we'll have more units on the ground now, but no one -- no low-income families can afford it. They'll be gone. But in 30 to 40 years, oh, those units will become affordable and those people can come back. That's perpetuating racism. That's wrong.

[Applause] You know the high-income people, they're gonna be just fine. In fact they're the ones that's gonna make out on this case. I ask you, please, please, stop doing these cases like

[9:20:35 PM]

this. It's your call. Your choice. You all -- most of you campaigned on trying to do things different, a new way forward, mayor. A new way forward. This is not a new way forward. It's the old way repackaged to make it sound good and feel good so it can get through. It's wrong, mayor and councilmembers. You know it's wrong. So I'm asking you, empower the community that lives there. Let them sit down with the developers. Los Angeles did this with their people's plan. Enough is enough. They said enough is enough. We're tired of these plans that are supposed to help us and we're the ones that get hurt and pushed out. The cycle goes on and on and on again. So they have a people's plan that says, no, we're gonna empower these communities and let them be in the driver's seat, let them have the vote to say what they want in their communities and where they want it in their communities. That's all I'm asking you to do. Empower the Riverside communities.

[Buzzer sounding]

[9:21:35 PM]

Let them decide their own destiny. Thank you.

[Applause]

>> Mayor Adler: Thank you. Is Alicia torres here? Go ahead. You have three minutes.

>> Good evening, Mr. Mayor, members, Alex mead, representing myself. This is my third year with my college redaction on this property. I've got a bit of a complicated and multifaceted opinion on this agenda item but I want to start off by talking about the process. This is a 60% student occupied complex. That was basically the first thing that was said at planning commission. So why then was this mostly considered during the summer? The process started in may. Continued through the summer and only second and third reading have really been opportune times for students to join the process. I've got some ideas on how to improve the accessibility of students into these processes, and I'd be happy to go over those either from

[9:22:36 PM]

here or with staff. Now, on this particular development plan itself, I share the concerns about existing tenants being displaced and especially about students who are going to be moving from other areas who will have a harder time finding a place to live. But when I signed up this morning I signed up with pressing the four button and the -- for button and the reason is because first of all we need housing but most importantly based on the argument that councilmember harper-madison raised on second reading and applicant raised this evening, which is this property is already going to be redeveloped. It's in a gentrifying area, on a transit corridor, and ultimately I don't think you get to vote tonight on whether this property is redeveloped. What you're deciding is what that redevelopment will look like, whether it is sparse with no affordable options or dense that provides guaranteed mfi percentage affordable housing.

[9:23:38 PM]

So I think we should address the displacement by committing as a council to building more projects, including green field projects that will avoid displacement issues. I think we address gentrification in this city by focus on areas where it hasn't started happening but ultimately if I could do this as a green field and freeze the current site in amber you'd be happy to do so but I don't think you as the council have the ability to do that because under current zoning it can still be redeveloped. So that's my view. It's complicated. And I want to acknowledge there are a lot of people opposed to this. I don't blame them a bit because the process for this has been ridiculous. It's a student complex. Why was there no discussion with students? Ultimately I've shared my view on what the project is and on what this particular case and item is, which I think is distinct from whether this project is a good idea in the abstract. I hope you'll take that under advisement. Thank you.

[9:24:39 PM]

>> Mayor Adler: Thank you. Is Bethany Carson here? Bethany? One second. Is Bethany Carson here? You'll be up next. Ms. Torres.

>> Yes, my name is Alicia torres. I stand here with a couple of not only my friends and coworkers but also community members. We all live in district 3. Me particularly off Wickersham. I definitely want to really speak to my council representative, Mr. Renteria, you know, I will not repeat what the person before me said, which I echo a lot of it, that this was not an inclusive process, this was not an inclusive conversation, independent of whether this is third reading or not. I think a lot of our councilmembers know that the majority of folks that live in district 3, especially my apartment complex, all immigrant workers, all folks

[9:25:41 PM]

that, you know, are in their homes after 7:00 P.M. I don't think I've done my due diligence in talking to my neighbors. You know, I personally invited a couple of them. Ms. Tomasa, who is a refugee, I'm not sure if Mr. Renteria has been out and actually talked to our community and is aware that a lot of the folks that live in the apartment complexes, Mr. Renteria, I'd appreciate you make eye contact with me. This is something that is very personal to me. You know, this is a -- I have lived in Austin since 1992. I am an immigrant myself. And at that undocumented and at that a lot of my neighbors are undocumented. The apartment complex I reside in is one of the last few places in Austin that I can actually say I feel safe at home. And Tomasa is a person, she's a woman, she's a single mother who is fleeing violence and is an asylum seeker and the reason she has to live on Riverside is because it is a place that has -- and I just want to

[9:26:42 PM]

make note that Mr. Renteria is not making eye contact with me. And Tomasa is somebody who has to live on Riverside because she does not have, you know, access, doesn't depreciation doesn't have access to public transportation and the city is very hard to get around with. And this was not an inclusive conversation, and I just want to note that either -- I'm aware that we are at the step where maybe we won't have a decision as to whether it's developed or not. I think there's still a lot of consideration to what has to happen in that development and how it goes about, you know I -- like I said I've been here since 1992. My father was a construction contractor. I remember first going out there with him and the first community that was out there were day laborers. Those were the folks on Riverside. What do we have on Riverside now? We have Oracle. We have \$500,000 homes being built. That is not my community.

[9:27:43 PM]

I no longer feel that you represent me. You've been there honestly, like, probably before I was even allowed to be able to take part in this conversation.

[Buzzer sounding] And do you not represent me ask I'm really ashamed of my city. I always fought hard for Austin and today is probably -- after the conversation around folks, you know, experiencing homelessness, it's a really sad day for me. I have never felt so ashamed to be an austinite as today.

>> Mayor Adler: Thank you for being here.

[Applause] Introduce yourself, please. Is -- Rebecca Sanchez here? You'll be up next after this speaker. Go ahead, please. You have three minutes.

>> Hi, my name is Bethany Carson, live in district 4. And I'm here to say that this Riverside development is not unrelated to the item that was just considered about homelessness.

[9:28:45 PM]

These are thousands.

[Applause] Of affordable housing units that we're talking about turning into these high-priced properties that no one is gonna be able to afford in exchange for 250 to 400 affordable housing units. And so I don't know how that adds up. We are creating a long-term driver of homelessness in exchange for 100 homes over five years and some funding to support the people in there, but that is not something that actually computes long-term. That is not sustainable. It is going to kick a lot of people out of their homes. It is going to create an even greater scarcity of affordable housing in the city where even, you know, I as a nonprofit salaried employee can barely find a place to live that I can afford. And so I can't even imagine what that process is like for people who do not have my -- even my sense of

[9:29:45 PM]

stability. And so, you know, I'm here really asking, why can't our city council not demand better of these developers? Why can we not have, you know, a much higher percentage of affordable housing? We should not be taking any kind of action right now as a city that diminishes our level of affordable housing. Because we are already facing a crisis. We are already facing a state of being where we have forced a lot of our black residents, a lot of our people of color out of Austin. I talk to people everyday in the course of my job who have just been forced out of Austin who would much rather have stayed in the city, much rather have stayed in a place that is a little bit more politically friendly and Progressive, but, you know, now they're out in Williamson county subject to

[9:30:47 PM]

287g, really harsh immigration enforcement. So, you know, all of these policies that we are so proud of are only as good as people are able to stay here and afford to live here. So I'm really asking you today to think about that and to consider -- you know, I know it's tempting politically to say, like, hey, we have this new program to fight homelessness. But honestly it's really just window dressing because it's not sustainable and it is creating this other long-term driver of homelessness in our city and it's gonna kick a lot of people out who we have already been forcing out of our city. Yeah. So just asking, please, do the right thing and I echo all the love things that Alicia and other folks have said here tonight. Thank you.

[Applause]

>> Mayor Adler: So you have some time donated from

[indiscernible], Kevin. No?

>> I do?

>> She's gonna speak.

>> Rebecca Sanchez?

[9:31:52 PM]

>> Lorde is going to speak.

>> Mayor Adler: Sophia? You're donating time? You have four minutes. So Lorde is not donating time but Sophia is?

>> That's correct.

>> Mayor Adler: You have four minutes, three plus one.

>> Good evening, my name is Rebecca Sanchez, I'm a resident of district 3 since I moved here, which is about 11 years ago, which I know is not as much time as a lot of folks on this dais and it is more than some as well. I would just -- I first really want to take a moment because listening to all of the homelessness conversation was really traumatize to go a lot of folks. That shit was embarrassing. I don't even -- I can't imagine what the other conversations were like, but that -- that was absurd. And this has been a -- that homelessness conversation has been -- people experiencing homelessness

[9:32:53 PM]

conversation has been about a year plus or something, and then we continued the conversation for a couple of hours, and in the same breath and in the same night half of you that were so pro-keeping those resolutions intact or I'm sorry not putting anything into those ordinances are about to vote yes on displacing thousands of people. This is not just ballpark apartments. This is the disease that is going to spread all across that entity. This isn't -- also, I'm not out there with those folks. I have nothing against those focuses but it is a damn shame you have police block off their entry. This is the people's buildings, whether you like that or not. They are people that live here and deserve just as much space in here, and they are angry. We are angry. And I don't want to be here begging for our humanity again, again like we do every single time with all kinds of different issues.

[9:33:54 PM]

But, damn, this is really a shame. And I would like to say that the same -- 100 units for five years, great. Nothing. That is nothing compared to the thousands that are gonna be demolished and displaced. And I've heard from a number of councilmembers and their staff that they're gonna do it anyway. They clearly need you for something. Otherwise we wouldn't be having this conversation. They clearly need you to okay on something. Otherwise we wouldn't be here, begging again. Let us live. Let us live in peace. Let the folks experiencing homelessness live. Like, it's that easy. Leave us alone. I don't need the rest of the minute and 30.

[Applause]

>> Mayor Adler: Thank you. Is mark Littlefield here? Okay.

[9:34:59 PM]

Is Danny Lucio here?

>> Here.

>> Mayor Adler: Why don't you come on down. Y'all want to go ahead and sit down? Excuse me. Y'all want to go ahead and sit down for a second? Thanks. Go ahead, Mr. Littlefield.

>> Mayor, council, my name is mark Littlefield. I'm the board chair of echo. I want you to look to my right, Daniel Lucio, in a few weeks he will be the board chair of echo. You'll see more much him and less of me on issues like this. Tonight I'm excited to be here because of the opportunity that ecowas presented recently because of this development. This is a big deal. This is important. These are the time of game changing opportunities that Austin is gonna need if

[9:36:01 PM]

we're going to end homelessness. It's partnerships just like this. Not only is it -- not only is it a hundred rooms but it's also \$350,000 a year like \$1.75 million over five years for services to make this even -- to make this as successful as possible. Little over a month ago, the same development offered up rooms for people experiencing homelessness, and in a little over a month 18 people were housed. We have the list of clients who this can help. We have the staff available to do this. And this is an exciting opportunity and I'm looking forward to tomorrow morning, if there's -- if there is the right outcome this evening, that tomorrow morning clients will be offered this opportunity. It can happen that fast. And I hope that we have that opportunity. Thank you.

[9:37:02 PM]

>> Mayor Adler: Thank you. Sir?

>> Thank you for having us here. My name is Daniel Io, resident of district 1. I've been here before to discuss and advocate on behalf of folks experiencing homelessness and I know you all are tackling that important issue right now. It's weird. I never thought you'd be on

--I never that you had I'd be on this side of the megaphone. I spent most of my life grass roots originallng fighting coal plants for fence line communities I've lived in and this is an extremely important issue. I wouldn't be here unless it was an opportunity, an unprecedented opportunity. Opportunities like this to house 100 individuals experiencing homelessness don't come by often. In fact I think this is unprecedented amongst the partnerships that we've considered at echo.

[9:38:02 PM]

And beyond that, the funding 1.75 million to support services like that for folks experiencing homelessness --

>> Mayor Adler: Excuse me. Please. Go ahead, sir.

>> It's gonna ensure these people have health services, social services that are needed to get on a path towards self-sustainability. I truly believe that this partnership will be a historic investment in solving Austin's homelessness challenge and why I'm here talking with you about this so I hope you will consider that as you are considering this important issue. Thank you.

>> Mayor Adler: Thank you. Is Katherine port here?

>> She's not.

>> Mayor Adler: No? What about Cameron Goodman? Cameron Goodman? Come on down. You have some time donated from florent marcase. Is pharaoh here? Go ahead, sir.

[9:39:02 PM]

You have four minutes.

>> Good evening, my name is Cameron Goodman and I am the student body president at the unit of Texas at Austin.

[Cheers and applause] I commuted my initial years at UT. I stayed either north off airport boulevard or south off William canyon drive only because the cost of living is affordable in those areas as it is in Riverside. I'm here on behalf of the UT student government, which is the official voice of the student body, to express the voice and the concern of the 50000-plus students on campus. The 50,000 students that lives in the city of Austin, that goes to your stores, that shops at your shops, and that contribute to the Austin economy. Of these 50,000 students, the numbers that we have calculated is around 3,000 of those students live in Riverside. And are believed to be

[9:40:03 PM]

affected by the possible development. In a vote for 25 ayes, four nays and two abstentions this past Tuesday sg voted in favor of housing accommodations for college students in the city of Austin. The student legislation recommends that the city of Austin vote against the development. In addition if the developments are allowed, then we work on initiatives that provides affordable housing for college students. College students have been out of this conversation and now we want a seat at the table.

[Applause] Sg leadership and the leadership of the student body are open to having conversations with mayor Adler and the rest of the councilmembers here to talk about these issues and to develop actionable plans. Thank you.

[Applause]

>> Mayor Adler: Sir. Sir, excuse me. You raised really good point with respect to student housing, since you're the president of sg.

[9:41:05 PM]

We're -- have had some beginning and early conversations with the doctor with respect to housing. There's, like, what, 55,000 undergraduates at UT and I think 7,000 dormitory rooms, which means that there's 45,000 students that are not in dormitories but living in housing in Austin. And not only do we have a housing crisis, the university has one, too. Students are having to live further and further away. It wouldn't surprise me if they're losing students that can't come to the school because they can't get

housing. But we're looking for opportunities to joint venture and work with the university. Maybe even to talk about things we might be able to do to help facilitate greater dormitory space because I think that would be a more efficient way, way to get more units out if we did that but the city is interested in doing that so if that would be a project that the sg would pick up,

[9:42:05 PM]

too, to help push for that, the city really wants to work with the university of Texas to increase dramatically the available housing for students on campus. Thank you for being here tonight.

>> Thank you.

>> Mayor Adler: Thank you. All right. Next person to speak is Ryland maxude and then Jennifer long. Is Jennifer long here? Yes, sir, you have three minutes.

>> Yes, my name is -- I'm a student housing government director. Many long time students, especially students of color are forced to live further from campus and commute every day. 52% of those students live in Riverside, which is 60% student occupied, where a bed is less than half the price of west campus bed. That's 3,000 students, almost 10% of the student

[9:43:05 PM]

body. This huge community of students provides supportive and social environment to counteract negative effects on GPA and social fulfillment that physical separation of campus and longer commute brings and allows for things like UT shuttle to bring students straight to campus. However if this rezoning is passed this community will be destroyed and low-income students will simply not be able to afford to live in Austin or attend UT at all. Don't vote for this because it -- vote against it because the student government assembly vote overwhelmingly against it. Vote against it for the 10 percent of students at UT that need you the most. Thank you.

[Applause]

>> Mayor Adler: Thank you. Is Larry Sutherland here? You have three minutes.

>> Jennifer long, director of [indiscernible] And I'm so grateful to the city of Austin for being I think the only city in the country that helps support a shelter

[9:44:06 PM]

for people arriving from the border seeking asylum. So we're a part of the homeless population that's particularly marginalized, people who have been accepted to come into the United States and allowed to apply for asylum but not given any services from the government. And I've been doing this work for 35 years. We're living on a shrinking island here in Austin of affordable housing. It used to be pretty easy back in the '80s to find an affordable place for someone to live but at this time our very best resource are the quad apartments. We've moved 100 people into the quad apartments in the past year.

[Applause] And I don't know what this new development means by affordable but I'm talking \$450 a month for a person to live. And it's a wonderful resource. We've been very happy working with these folks. And I'm sad that there's not a way to protect old affordable housing, that there's only talk of new housing because almost by definition new housing isn't affordable.

[Applause]

[9:45:07 PM]

At any rate, I ask your compassion for the people who are living in the quad apartments. We're doing an excellent job receiving our people and very desperately need affordable housing that's literally affordable. Thank you.

>> Mayor Adler: Councilmember Casar.

>> Casar: Ms. Long. Thank you for waiting with us today and thanks from all of us for everything you've done for so long.

>> Thank you.

>> Casar: Just to clarify that fact there are about a hundred folks per year you are currently placing.

>> We have placed 100 people in the quad apartments in the past year.

>> Casar: So about 100 folks by definition, folks coming out of homelessness --

>> Coming out of homelessness and moving toward self-sufficiency and able to -- and partly because of rapid rehousing funds, also provided by the city of Austin. Able to move rather quickly into that housing and then able to pick up the rent on their own, yeah. It's a fantastic resource. Thank you.

[9:46:09 PM]

>> Councilmembers, I lived on east Riverside for about 20 years now. Member of the

[indiscernible] Contact time, founder of friends of Riverside neighborhood association which has been deeply involved in trying to get as many voices in the conversation. We've worked really hard to have meetings with stakeholders. Some of the most robust meetings we've ever had in our neighborhood as

a result of of this project but mostly thwarted by a small group of people who have made it their agenda to be violent and disruptive at every opportunity they have. Even to the point of assaulting me personally because I stand for this project, to come to my house in the street and put posters up with my name and phone number, my wife's phone number to, call us out because we're in support of this project. So the voices you hear out there tonight, I have to

[9:47:09 PM]

stand here having been assaulted by these people, and I have to steel myself to come up here and do this for the second time in this forum and I have to walk outside at the end of this meeting and walk through those people again. I'm gonna walk out with a decision by you to stand for people who reasonably come together to cooperate with respect and mutual trust and come up with a solution to provide a project unlike anything in the history of Austin. Yes, people will be displaced but displacement is easy to deal with in a community like ours. We have 42 apartment complexes within the boundaries of my neighborhood. Thank you, shut up.

>> Mayor Adler: Hey, hey, no, no. Talk to me. Please. Keep talk to me.

>> Okay. We have 42 apartment complexes in our

[9:48:09 PM]

neighborhood that we can move people into, similar housing of the housing that exists. It's a 25-year project. I'm a working class guy, okay? If I was 25 years old and knew there was work for me for 25 years in my neighborhood that I didn't have to drive out of -- I'm 70 years old now so that's not gonna work for me but the working class people in my neighborhood this is a abandon for them. We keep talking about the working class people. I've had to come up here tonight take a badge, get the saw dust off of me so I could come up here and once again stand up for what I think is a good project with good actors. We have tried every which way to get people to come to these meetings. We have a robust conversation. Many of them were disrupted by these people out here, and the fact that I stood up in front of them and told them what I thought about their tactics got me a

[9:49:10 PM]

beating. So I'm gonna watch and what I see tonight will determine, you know, how we progress.

>> Mayor Adler: Thank you.

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria.

>> Mayor Adler: Sir?

>> Renteria: I want to say how sorry I am that you got harassed.

>> They councilmember tovo your house too.

>> Renteria: Yes, they did and they went to other people's house, too.

>> They have no answers only violence.

>> Renteria: They refuse to sit down and have a discussion and the whole goal is to disrupt and I don't know what else that they've been doing, but they've been running out and trying to put my old friends' businesses -- business owners and landowners out of business by demonstrating and picket being in front of their places because they're leasing out to other younger business groups coming in and that's their life line support of being able to retire in that neighborhood

[9:50:10 PM]

but these people over here are forcing them to have to sell their property off, their commercial property, because they can't earn enough revenue to pay their taxes. And that's what they're doing. They're destroying our neighborhood. And they don't realize it. And I'm not gonna put up with that.

>> Okay.

>> Mayor Adler: Thank you. Paul -- Mr. Savitz.

>> Let me be very clear. I'm a [indiscernible] Member but right now I'm talking as an individual that lives here in Austin, that lives in councilmember Renteria's district. This is not deeply affordable. It's not just about 4700 east Riverside. It's about what we do in future developments because if you don't approve this, you better not approve

[9:51:11 PM]

something like it. Because we need deeply affordable, accessible, integrated units, and those people are people of that community. You might not always agree with their tactics. But you got to listen to them too. You all represent the city. Not just one district. And councilmember Renteria, you said last month -- and I was here when you pulled this item -- and you said countless times that you're a man that supports affordable housing. Well, I live on the east side of town and when you talk about uncontrollable gentrification you should just look at the east side there. And it's gonna happen on east Riverside. We are taking away housing from the working poor, from families, from people who work as attendants, for people with disabilities. So you think we have a homeless problem now? If you do this, we will have

[9:52:15 PM]

homeless problem that will

[indiscernible]

[Cheers and applause]

>> Mayor Adler: Thank you. Is Paula Rojas here? You have time donated by Camino Rojas.

>> Camino had to go home. It's too late.

>> Mayor Adler: You have three minutes.

>> Okay. My name is Paula, I'm a mom and I had kids here earlier, a midwife and we're a member of ccu, communities of colors united for racial justice. We're a coalition here in Austin. I'm here tonight representing ccu, including any other members, organizational members who are not. We all stand in strong opposition to this rezoning proposal. I have a few specific concerns that I want you to think about. When the person who gave the presentation about robust tenant protections in the chart, really in this proposal, I don't think so.

[9:53:17 PM]

Did you know that these same developers also own solaris, which is a repeat offender for code violations. They are on the repeat offenders list for not improving conditions and for no tenant protections. How is that robust -- what kind of track record and robust tenant protections is that? That's number 1. Number 2, in terms of affordable housing, I don't think so. You all know that this is not enforceable because the private restrictive covenants they signed with habitat for humanity have no teeth. You know that. So that isn't truly affordable housing. Not to mention that 60% mfi is too high. But there is no way to actually enforce it in this proposal. In addition, the uprooted report was mentioned by the same presentation. If you really read the uprooted report, it is not

[9:54:18 PM]

supporting a proposal like this. What it says is that we should have no upzoning for multi-family areas and treat the areas being gentrified more carefully than other parts of the city. This is one of those areas. That's what the report says. You should read it carefully. We know the zip code is still in the area with a high percentage of low-income families. We know that is true. Please take this into consideration. I am not a directly impacted person. I do not live in that area. But I have a lot of friends that do. There's

a lot of the pregnant women that we care for who live there, who are very concerned about this. And I want to ask you one

question: How many of you are here on this council are worried about paying your own rent? How many of you are concerned about that? Please raise your hand. I didn't think so. But I ask you for just one

[9:55:19 PM]

second to put yourself in those shoes. Why do you think there are people willing to be arrested for this? Right? Why do you think people are willing to be arrested? There's reasons. It's about survival. People don't know what else to do.

[Buzzer sounding] This is a really important historic moment in this country, y'all. How with we gonna become more militarized and treats people this way.

>> Mayor Adler: Thank you very much. Is Lordes here? Come on up. You have three minutes.

>> Hello, my name is Lordes command and English is my second language so I'm gonna ask Paula to translate for me. On August 9, 2017, my husband was killed in a construction site on

[9:56:22 PM]

Riverside. And one of the builders is now heading this project, the rezoning. When they met with me, the first meeting that we had, they were very respectful. They were not even looking at me at the eye. They were looking at their cell phone number -- at their cell phones. And I'm coming to you because I have been working in the community for 19 years, actually 21 years. And then this happened to me. I was on -- I'm a widow and now she's fatherless and we are still fighting for the same thing. Justice. So you're displacing all these families. Do you know what it is? Do you know what it is to have companies building luxury builders -- I mean, luxury apartments and then come to you and -- like

[9:57:23 PM]

nothing happened? A life was lost. And, administrator, you went to the funeral. You went to the service. Your name is on my guest book. Why did you go? Because the builders sent you to see what was going on with my family? You guys don't care about anything. You talk about compassion, Ms. Kitchen, about homelessness and compassion. Do you know what you're doing to all those families? You're gonna have families living on the street. Is that what you want? I have nothing else to say.

>> Mayor Adler: Thank you. Is Ed mccourse here?

[9:58:24 PM]

Is Spencer Buckner here?

>> Renteria: Mayor, I just want to correct something. I did not go attend any funeral. I have not attended any, so I'm sorry she mentioned that I did, but I don't know anything about this, this event and this accident, so --

>> Mayor Adler: Okay.

>> Renteria: I just wanted to set the record straight.

>> Mayor Adler: Thank you. Hang on, Mr. Mccourse. Then after you, is Spencer Buckner here? Yes? Why don't you come on down. He had to leave. Thank you. What about Joey? I can't hear.

>> [Off mic]

>> Mayor Adler: Okay. Elena?

>> She had to go home.

>> Mayor Adler: She did? Okay.

>> Her baby had to go to bed.

[9:59:24 PM]

>> Mayor Adler: Lourdis? I think we already called her. Okay. Mr. Mccourse, why don't you go ahead.

>> Good evening. My name is Ed mccourse. I'm also on the board of echo and I'm not going to repeat everything you've already heard but I want to elaborate on a couple of items. First I want to make clear, I'm going to hold Mr. Whelan to it if you all approve this, it's \$355,000 a year that goes to wraparound services. What that involves is being able to provide case management, substance treatment services, behavioral health care, peer support services, housing placement, nursing care and primary care, and these are the things that help people as they're transitioning out of honestly -- into housing, allows them to be stable and then graduate on into other housing. So that's just part of the package that the developer has made available to help address some of these issues, and I wanted to share that with you.

[10:00:25 PM]

Thank you.

>> Mayor Adler: Thank you. Is Stephanie Thomas here?

>> She's right there.

>> Mayor Adler: Why don't you come on down. Could.

>> Hi. I'm Cynthia Donnelly. I live in district 3. So, this Riverside project wants to demolish all these existing units --

>> Mayor Adler: Hang on one second. Did you donate time to Olivia?

>> Joey cadet just donated a minute to me, and --

>> [Off mic]

>> It was a different Sofia that donated --

>> Mayor Adler: I have Sofia Donnelly having donated time to Olivia --

>> I did, on 46, and --

>> Mayor Adler: Oh, that's right. I said I would give you one minute because of that issue.

>> Thank you.

>> Then I donated a minute so that she could have

[indiscernible] --

>> Mayor Adler: Got you. Two minutes.

>> Thank you so much.

>> Mayor Adler: Yes.

[10:01:26 PM]

>> Okay. So this Riverside project wants to tear down 1300 units, about 3700 bedrooms, four million square feet of office and retail space, 600 motel rooms and 4700 residential units, and they're going to give back 500, maybe 650 affordable units of 60% of the medium income, which is not affordable. Thousands of people are going to be displaced and pushed out, possibly pushed out of Travis county and lose their map, and that's their health care, and the ripple effect that's going to create down Riverside. How can you enforce or ensure the affordable housing that they're promising, and how can we, as residents of Austin, have confidence that you don't want to displace more renters or fight gentrification if you approve this case? This case guarantees displacement of thousands of renters, working class people, families, refugees,

[10:02:29 PM]

students, without guaranteeing any affordable housing, and what do we get? Luxury shopping. I live on south pleasant valley near Riverside with my 17-year-old son, and I work two jobs, and I have no car. And I'm just really tired, and I know if this project happens, every day I'm going to add, what, three hours of busing to my day? Which is already really long. And I just -- I can't do it. And I know a lot of other people that live in the same area, and we're struggling. And this is just going to make our life harder. And I don't feel like Austin has a place for just poor, regular people anymore. Everyone has to be rich. Okay. So I keep hearing this idea that --

[buzzer sounding]

-- That we --

>> Mayor Adler: You can go ahead and finish my thought.

[10:03:30 PM]

>> Let me finish my sentence. Thank you.

>> Mayor Adler: Finish your thought.

>> We just have to accept this project because it could be so worse. Well, I just want to know why. Why do we have to accept the promise of crumbs? It's not enough.

>> Mayor Adler: Thank you. Thank you. Go ahead, ma'am. Please introduce yourself.

>> My name is Stephanie Thomas and I'm speaking for myself right now. And I cannot tell you how difficult this is for me. I -- I really believe that that neighborhood is going to be gentrified no matter what. I have dear friends like Sofia that are on the other -- that are terrified of what's going to happen to their neighborhood. And here we are pitting -- we're pitting people who are working class, low-income workers, students, against homeless people

[10:04:32 PM]

and people with disabilities. I do think that this project has committed more than probably anybody else in a extremely long time, if not ever. They have committed to subsection 8, which over 90% of the apartment buildings that are within the rent range of section 8 will not do in this town. I know you tried to solve that, and we all know that those jack assess up on the hill there just squashed that one. But I think we need to keep fighting these things. And the bottom line is that, you know, same thing with inclusive zoning, but we have got to find a solution because this is not -- this is not the way to pit homeless and disabled and very, very super, super low-income -- I'm talking about 12% of the median family income people, against working class and

[10:05:32 PM]

students. That's not the way to go. I do think this is going to do more. You saw those condos that they showed you, those townhomes. Not one of those is accessible and they're never going to be because townhomes really don't have to be accessible. But the bottom line is, that's what the alternative is. I saw somebody speaking early on in the process, talking about how how, you know, this is a thing that's coming. And I do think it is. But --

[buzzer sounding]

-- You have to do something about that neighborhood, and you have to do something about this city.

>> Mayor Adler: Thank you. Thank you. Colleagues, those are all the people we had signed up to speak. We're now back up to the dais. We have a motion and a second. Any further discussion on the dais?

>> Kitchen: Yes.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I have a question. And I think it might be for Mr. Whelan and possible for nhcd

[10:06:36 PM]

also.

>> [Off mic]

>> Mayor Adler: I'm sorry, I should do that. Rebuttal witness. We'll do this, then we'll come back. Go ahead, Mr. Whelan. You have three minutes.

>> Michael Whelan on behalf of the applicants. I had some points to make. Next with reaching out to folks, we did go door-to-door with anybody who had lived there more than two years positive make sure they knew about the rezoning, knew what was happening and had a way to contact somebody. I also wanted to point out that the proposal, which is between 400 and 565 affordable housing units, would double, double the number of 60% mfi that are there under market affordability standards, that is, these older units are -- are lower than 100% mfi, there's about 194 that are at 60% mfi, and this would bring the number, would double the number that are at 60% mfi. I'd also again remind everybody, this would be the largest affordable housing commitment in

[10:07:36 PM]

a private development in the urban core. It also, as we've heard, would be the largest private investment in housing our homeless neighbors. We can and we heard that echo is prepared to police clients immediately and it will be with wraparound services, many of which will be on site with office space and accommodations that are going to be provided. Also, as you're looking into the future and you're thinking about school budgets, this will be more than 10% of del valle independent -- del valle independent school district's budget that will be taxes generated here and the federal transportation administration grants that this city will be seeking are going to need 60% mfi housing that is land use restrictions agreement that have restrictive covenants within half a mile of your corridors, which this would be. I think the bottom line, something that gets lost in the

[10:08:36 PM]

conversation, is that you're not ever going to have 100% affordable housing. It doesn't exist there now. About 25% are at market. More are getting at market if they get upgraded. But what will happen is, it will just become high-end condos with no affordability, which is exactly what nobody in this room, including myself, would like to see. The goal is to have affordable housing here, and to do it under a regulating plan that requires it and to do it under a restrictive covenant that requires it under the base entitlement that we have right now. I think somebody said it well, we can't freeze this site in amber. These are deteriorating products and the redevelopment is going to happen. It's already happening directly next-door to us and all around us. We just need to be sure that we lock in this affordability right now and do something valuable that I think is a meaningful community benefit with housing our homeless through legitimate process with echo. So thank you all very much and

[10:09:37 PM]

I'm happy to answer any questions.

>> Mayor Adler: Thank you. Is there a motion to go past 10:00? Councilmember Ellis makes it. Councilmember Renteria seconds it. Take a vote. Please raise your hand, those no? Tovo off the dais. You had a question? Councilmember kitchen.

>> Kitchen: I have a couple of questions. So one question, I believe, is for Mr. Whelan and for nhcd and that relates to the option to by down more affordability.

>> Yeah. So I've had several conversations with Medina de mayo, director of nhcd.

[10:10:37 PM]

We've told her we're prepared to enter into then a agreement to do precisely what Stephanie was talking about, buying down deeper affordability. They've done some preliminary analysis where -- about buying down from 60% to 50% and buying down from 60% to 30%. In addition to buying down deeper affordability, there's also -- she and I have also talked about buying more affordability, and I know that's been discussed in other cases, but that would give nhcd the option to buy -- the regulating plan refers to it in terms of square footage but it would give them to buy more square footage, if you will, at 60% mfi. We're prepared to into an mou in that regard and flush out the terms, not just the value, but more important, how long would that option exist. I mean, which is -- we're prepared to do that, definitely.

>> Kitchen: Okay. I don't see anybody from nhcd here. Right? I can't -- oh, there you are.

[10:11:38 PM]

My question is simply is there an intent to move forward with working out that mou?

>> Hi, I'm director of neighborhood housing and community development. We could certainly enter into conversations about that. As we're looking at expending our dollars, that, of course, happens in the Austin housing finance corporation side, which is a slightly different process. But we could certainly look at that. We would also be weighing the cost of what that would be to buy down that affordability for whatever that time period was relative to the cost of being able to produce the units in other parts of town or other areas. But we would be happy to have conversations with the applicant.

>> Kitchen: Okay. So I'm not suggesting that this would be the project -- what I'm understanding is that it would be the city's decision to decide whether to buy down, and you would have to make that decision

[10:12:38 PM]

in the context of your funding and the other opportunities that you have. Right?

>> Absolutely. But we would have to work out what kind of scenario that would look like and how those decision points would come to us, and that would be part of the mou.

>> Kitchen: Okay. So I'm understanding from Mr. Whelan that the developer is willing to start those conversations immediately, I assume?

>> First, my apologies, I forget titles, I'm director understand

-- yes, absolutely. I'm available tomorrow at 8:00 A.M.

>> Kitchen: All right. The other question I have again might be for you, Ms. Truelove. The tenant protections, can you just speak to those? We kind of talked about that but my understanding was that was something we reviewed; isn't that

[10:13:38 PM]

correct.

>> I'm going to ask Travis to speak to that, please.

>> Kitchen: Okay.

>> Good evening, mayor and council. Travis, with neighborhood housing. We did sit down with Mr. Whelan on behalf of the applicant and he presented basically his tenant protection proposal. Specifically the agreement that was entering into, I believe it was with home base at the time that we reviewed. Compared to agreements that we've seen previously, I would say it is more robust than that. I think that's what I would say.

>> Kitchen: Okay. I don't know that we need to go over all the details, but I just wanted to make sure that you all had seen it.

>> We did.

>> Kitchen: Okay. And that from your perspective, it is -- you didn't ask for anything that wasn't provided. Is that right?

>> That's correct.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Okay. Further discussion? Councilmember alter.

[10:14:44 PM]

>> Alter: I just had a question for staff, if I might. You had originally made a recommendation that did not go as far as what the applicant was requesting or what passed on first reading. Based on the changes that the applicant has made, how much closer, if at all, is the ordinance to what staff originally recommended?

>> I don't think it's changed at all. What he's changed has to do with outside deals regarding affordability. Our was based on planning principle having to do with distance from a potential transit station.

>> Alter: Say that one more time. I couldn't hear you over --

>> I said our recommendation was based upon a planning principle having to do with distance from a proposed transit station at Riverside and pleasant valley, and Mr. Whelan's changes I think mostly had to do with a side deal relating to affordability, not the density vis-a-vis the transit.

>> Alter: Okay. So it's been more about additional community benefits and

[10:15:45 PM]

not so much about the overall plan for this particular --

>> Correct. This is not a pud, a pud, so the staff did not feel we have the legal ability to negotiate for community benefits. The plan simply has to comply with the east Riverside corridor will regulating plan.

>> Alter: Okay. Thank you. Then I have a couple questions for Mr. Whelan and hopefully you can be brief. I think you might have already answered these but I just want to make sure that I have them straight. How has -- how has the ordinance changed since first reading in terms of the ordinance itself?

>> How did the ordinance change?

>> Alter: Yeah.

>> There's been no change to the ordinance. What's changed is, we entered into an independent agreement with echo for providing a hundred

[10:16:45 PM]

of our homeless neighbors with housing and financial funding for all the wraparound services that you heard Mr. Mccourse talk about, so that's what's changed. The other big change is, we added several things to the private restrictive covenant with home base that I went over, including the tenant relocation -- actually, we had done the tenant relocation in advance, so that already existed, but the affordable -- affordability unit mix is located in this so that the ratio of one bedroom to multi-bedroom units for affordable units will be the same as market rate units for the voluntary bonus area. We also have the voluntary bonus affordability area, which is the area between 40 feet and 60 feet, or 50 feet and 60 feet, depending on what the current zoning is, so that is not covered by the

[10:17:45 PM]

regulating plan. I know that part of your code discussions separately will include that elsewhere in the city possibly, but here we've captured that additional entitlement. We also added, after lots of discussion, a trigger so that there's an entitlement for about four and a half million square feet of non-residential, so that's office, medical, dental, and retail, and what we've done is you can't go beyond 2.5 million without building and having on the ground 200 affordable units, and then as a second trigger, you can't go beyond 4 million square feet unless you have 400 affordable units. It could be that we actually will have a lot more, it depends on the square footage of the area above 40 and 50 feet that is attained on the residential. Then the last two things are -- well, the last thing is preservation of existing

improvements, which had been mentioned from the dais to make sure that they would be there for at least five more years.

[10:18:45 PM]

So those are the things that were added.

>> Alter: Thank you. I appreciate you going over that again.

>> Mayor Adler: Any more discussion? Councilmember kitchen.

>> Itchen: Mr. Whelan, I may have missed what you just said. In terms of the restrictive covenant, did you speak to voucher acceptance?

>> No. Thank you for mentioning that. We did add that late today as a result of a suggestion that had been made by Heather way and we also clarified that the 40-year term starts with the co for the voluntary bonus area so we added both of those things as well.

>> Kitchen: And that means that the 40 years stays -- it starts at the point at which -- can you clarify that for the public?

>> Yeah. So there's two -- there's two 40-year things. This restrictive covenant lasts for 40 years.

>> Kitchen: Right.

>> If we were to build in the

[10:19:47 PM]

voluntary bonus area in year 29, one might say, there's only 11 years left. That's not the case. There's a provision that says the moment you get your co is what now 40 years attaches to that affordability requirement for that additional space.

>> Kitchen: Okay. Thank you for that clarification.

>> Mayor Adler: Thank you for that discussion. Are we ready to vote?

>> There were several people --

>> Mayor Adler: That's okay. I'm going to recognize you regardless.

>> I'll take it. Thank you. So speaking of difficult decisions, when it comes to private developers and affordable housing, we as a council have very limited tools, and we can only use carrots. It's been demonstrated countless times rejecting this rezoning request will not deflate the redevelopment pressure facing

[10:20:49 PM]

this area. It's a difficult but very real truth. This isn't my favorite project, and I'll be perfectly honest and say that if I had the opportunity to be in on it at the beginning, I would have worked with the community and the developer to ensure that a project that better met the needs of the existing community and complemented the fabric of the existing neighborhood, rather than be at odds with it, but here we are, faced with making a difficult decision. The owner will move forward with the project within its current entitlements, and all of the community benefits that we are -- they, rather, are offering right now, the relocation assistance, the right to return, long-term income restricted housing, housing with \$1.75 million in

[10:21:50 PM]

wraparound services for 100 individuals experiencing homelessness, all of that goes away. This project demonstrates the great demand for housing near our urban core, along good transit, and close to great amenities, as a lot of people have demonstrated tonight with their testimony. I am voting yes because I believe that the work that councilmember Renteria, our office and others have done to ensure that the developers provide substantial community benefits, and more comfortable units, prevents displacement and implements quality tenant rights provisions is what is needed to ensure that our communities can still thrive amid the constant waves of gentrification and unaffordability. I'd like to just make a real quick anecdotal reference to watching similar projects come to the area that I've been tasked with being a steward for. You know, the city is all of our responsibilities, but we've all been given a specific area that

[10:22:51 PM]

is -- for which we are the steward. And watching what happens when you don't get -- when you don't extract as much value, as much affordability, as much community benefit as you can, what you get is one big giant expensive thing that people really can't afford. And I -- I really understand your frustration. I absolutely do. But you really can't argue the facts, and those are the facts. So I'm sorry that so many people are going to be disappointed with my yes vote tonight. It's not an easy decision for me to make. I just need y'all to know that. Thank you.

>> Mayor Adler: Thank you. Further conversation on the dais? Mr. Renteria.

>> Renteria: You know, I've been an advocate for affordable housing for now over 30 years. I started with the community development commission. We tried everything that -- in the book, and we got preamped by the state everyday. We fought for preservation but

[10:23:52 PM]

the neighborhood was safe, but the people that lived there are gone now. There's gentrification and there's a reason why there's gentrification because people that are wealthy could come out there and offer my neighbors \$500,000 for their home, and these people are saying, well, I only paid 21,000, 30 or 40 years ago, and now all my kids are gone. I have an opportunity to have a half a million dollars in my pocket. My house is paid for. And that's what they're doing. The last people in my neighborhood that I grew up with -- and I've been a homeowner in the same house for 40 years, they're gone. I don't have a single neighbor. The whole thing I used to tell my neighbors, hold on, don't sell too soon because you're not going to -- there's going to be more money that you're going to be able to -- they're going to be offering because we're not building any houses, we're not building any apartments, and

[10:24:53 PM]

you're going to have to compete with the ones that come in from out of town or the ones -- your kids coming out of college can afford to pay for that apartment there more than what you can to live there, you can afford to pay there, so you're going to be displaced. And that's what we did through all the years here, you know. That's why we have gentrification that's going on because we refused to build and still have that fantasy that you could hold onto your neighborhood forever. It's not -- it doesn't work that way. I've been here going on -- next year will be 70 years in this city. And I've seen the change that is happening. You know, years ago, back then you only paid taxes on what you paid for your house, not on your valuation. And this person that was living on congress had her house there, and she refused to sell, so it ran to the state and they said everything is going to be market value. So now she's got tax at market value for that piece of land.

[10:25:53 PM]

My lot -- my lot that I live on is appraised at \$330,000, with no house. That's how much it's appraised. And that's how much -- if you're not 65 and you didn't get your school taxes frozen, you have to pay that taxes on that market value. And you can go and look at the website on the appraisal district and you'll see how much taxes people are paying there. And when you have to pay seven, eight, nine thousand dollars a year on your property taxes, you're going to sell out. I predicted that I was going to have to sell out by -- by the time I hit 71, I was going to have to leave. Itself lucky that we fought for a secondary unit, I was able to build another secondary unit, I rented it out and I was able to pay for my taxes, and that's what's keeping me there in my neighborhood. You know. People accuse me of being in the developer's pocket. That's outrageous. I have never made a cent off -- a

[10:26:55 PM]

dime. I still drive my 2001 Ford ranger. I can't even afford to buy one of those new vehicles or trucks. They're past \$30,000 each. I would never pay for it. I take public transit. I have a bike to help me stay where I'm living at. And that's what I'm doing. And I have a project that's down on Tillery and Cesar Chavez, and there was a wrecking vehicle there, lot there, car -- and these developers came and said, listen, I want to build you some apartments there, three, four-family apartments so that kids can grow up there and go to brooks, which is low enrollment. And the neighbor said, no, we don't want that many houses. They said, well, we'll just build office space. And they bluffed them and they went down there and they're building office buildings. And our school brooks is going to

[10:27:56 PM]

get closed. That's what's going on here in Austin. We refused to build and we do the same thing with codenext. It's going to destroy your house, they're going to run you out of town, you're not going to -- it's just the opposite. So that's why I'm supporting it, you know. I know that it's hard. I have -- my policy - - when they went to college, they said Pio, you can't do that. You're not going to be able -- they're not going to have any students except wealthy ones if you don't build affordable housing. I tell you what, if I had all the money, I'd build 100% affordable housing, but this is Texas. It's run by Republicans. And they're not giving us anything. What y'all need to do is really go out there and vote and kick them out and we'll have zoning,

[10:28:58 PM]

we'll have rent control, but we don't have it now. So that's why I'm supporting it because I know that, you know, we're going to lose those places, and I want to make sure that we have guaranteed affordability for the next 40 years plus, at least at 60%, and we're going to get close to 500 units, so that's why I'm going to vote yes.

>> Mayor Adler: Further discussion on the dais? Councilmember Casar.

>> Casar: I voted no on this project on first and second reading, and I'm going to vote no again tonight. I have -- I have a lot of respect for all of my colleagues. I know that this is a really challenging vote. I understand and hear the rationale and the argument that this could be redeveloped under existing zoning. And I also greatly believe that we need lots more housing in this city. But we can add and we know from the work we've all done together

[10:29:58 PM]

that we can add hundreds of thousands of units of housing capacity without upzoning existing older multifamily housing. We can do both. But I do understand that this brings -- comes with it community benefits. I don't see those benefits as outweighing the negatives, especially with -- especially with the information tonight. I have enormous respect for echo and for their board members, Mr. Lucio and mccourse and Mr. Little field who came and testified. Their job is to secure what they can if this does pass. At the same time Ms. Long came and told us there's a hundred folks coming out of homelessness a year that are being housed there right now. So I would ask that folks reconsider whether that's a community benefit or just trying to make up for a hole that we ourselves are going to potentially accelerate. So I know this is a hard one, but in my view, if we want to keep

[10:31:01 PM]

our community as diverse as possible and try to have working class and middle class families in the city, we both must build more housing and fight against displacement by not upzoning some of these older multifamily places. We can and have to do both, and that's why I vote -- I'm going to vote no tonight.

[Applause]

>> Mayor Adler: Further discussion on the dais? Councilmember Flannigan.

>> Flannigan: So I'm a renter myself. I've at times had to struggle to pay my rent. Not that long ago. This is never an easy decision. It's never a fun decision. But, you know, what councilmember harper-madison and Renteria are saying I think is really important. What is there today will not be there tomorrow. Whether or not we vote "Yes" or "No." And that's the situation that I think we find ourselves in.

[10:32:04 PM]

I voted yes on this on first and second reading. I'll be voting yes again today because I think we have to be -- we have to be smart about how we lock in these long-term affordability agreements in ways that, frankly, you don't see in my district because it's Greenfield development. And so the more -- more units than we're losing and more units than we're gaining have come into my district without any affordability restrictions on them. This is just a difficult decision for the folks who live there now. I can imagine it would be difficult if the duplex that I'm half renting were to be redeveloped. But if it's going to get redeveloped, I'd rather do it with the community benefits locked in.

>> Mayor Adler: Further discussion on the dais? Ready to take a vote? Those in favor of these -- yes,

[10:33:04 PM]

councilmember alter.

>> Alter: So throughout the course of this case, our colleague, councilmember Renteria and several individuals working on this case, including city staff, have been targets of unacceptable intimidation tactics that go far beyond the limits of civic discourse or dissent. Councilmember Renteria has had his home damaged and his family harassed. The same groups were outside of Mr. Whelan's residence, in my district. Same groups followed people into and out of meetings to intimidate them and hurl insults at them when they were trying to do their jobs. Coming to council to express your concerns and even disdain for items is appropriate. Egging someone's house is not. Trying to keep someone from voting a certain way is not appropriate. As a council, we absolutely do not condone and in fact we condemn this behavior. I voted no on second reading.

[10:34:08 PM]

I have a lot of concerns about this development, but I'm going to be abstaining because I'm very uncomfortable. I want to send a message that when behavior like this occurs, it has the opposite impact of persuading policy makers to listen and respond positively. And then I also want to add that I very much share the sentiments expressed by the mayor earlier with respect to encouraging and supporting investments by U.T. into student housing. I look forward to those conversations progressing. The mayor and I have been talking regularly with U.T. On this, and in councilmember tovo's absence I ask that we ensure that councilmember tovo, who represents the U.T. Campus, is involved in those conversations because I know she's been working on this issue for a long time already. We do need more student housing and we need to work together with U.T., and U.T. Needs make some serious investments and we need

[10:35:08 PM]

to help them and encourage them to do that.

>> Mayor Adler: Further discussion on the dais? Let's take a vote. Those in favor of these five items, please raise your hand. Harper-madison, Flannigan, kitchen, me, Ellis, Renteria. Those opposed? The other three, Casar, mayor pro tem Garza, councilmember pool, with councilmember alter abstaining. It passes 6-3-1, with councilmember tovo off the dais. That would be third reading passage.

>> Just to clarify, mayor, that was 46, 47, 48 on third reading and items 51 and 52.

>> Mayor Adler: That's correct.

>> Okay. Thank you.

>> Mayor Adler: Okay. Let's pick up the ace matter here real fast, let some staff go.

[10:36:12 PM]

>> [Off mic]

>> Mayor Adler: Who's laying out the ace matter? Councilmember --

>> Casar: I'm happy to move it.

>> Mayor Adler: Councilmember Casar moves passage of the ace matter, which is number what? 24. Is there a second to this? Mayor pro tem Garza seconds this. Is there any discussion? You want to lay out anything before I call the speaker?

>> No.

>> Garza: Can I just say --

>> Mayor Adler: Yes. Mayor pro tem Garza.

>> Garza: I guess this is direction and I don't know if this requires an ifc, but this is the third time we've had a similar discussion about labor piece agreements in something that the city has a relation to. The first being the airport, and thankfully we were able to get that into the contract at the airport. The next time was Zach Scott

[10:37:13 PM]

theater and concerns with workers not being able to feel like they could organize there, and this is another one. So, you know, I don't know how we can avoid doing this piece meet. I don't know if that maybe requires an ifc that says we need to take a broad look at all of our -- all of our contracts and all of our relationships, but we should not have a city relationship in any kind of way that has any prohibition for workers being able to unionize and sit at the table and bargain and get a fair wage. So I'm happy to bring that ifc, if city manager thinks that's something that needs to be done through an ifc because we can't just keep doing this piecemeal when we discover these incidences.

>> Mayor Adler: Thank you. Beau? You have time donated from David king. You have four minutes.

[10:38:13 PM]

>> We are here today to -- tonight, to support agenda item 24. My name is beau Delp, I'm with united local 23. Before I explain why you and I here supports this resolution, some context is necessary. Austin convention enterprises is the public facilities corporation of the city of Austin. It owns the convention center hotel. The hotel is currently operated by Hilton and it's operating agreement expires in 2021. Next year the hotel is projected to generate \$32 million in revenue. The total projected interest for

investors in Wall Street on the bonds backing this hotel is more than \$100 million. So we were deeply troubled and deeply disappointed to learn that in the hotel operating agreement between Austin convention enterprises and Hilton, Austin

[10:39:16 PM]

convention enterprises, the city of Austin's public facilities' corporation, requires in section 2.21.4 that, quote, manager will not voluntarily allow a union to organize the hotel's employees, unquote. Let me be clear. This language prohibits the hotel operator from permitting employees to engage in their federally protected right to organize a labor union. It appears to require Hilton to take all possible action to prevent union organizing at the hotel. And although -- and I want to be really clear about this -- although the union and Hilton have been able to work together to avoid labor disputes at many other hotels around the country, this language requires Hilton to take an antagonistic approach toward its employees' decisions to form a union.

[10:40:18 PM]

You should know that in our review of eight publicly available operating agreements with city -- cities that industry analysts say compete with Austin, including Houston, San Antonio, Chicago, San Diego, Kansas City, Denver, and Phoenix, Austin is completely alone in containing any language even remotely similar to what exists in section 2.21.4 of this agreement. And I'm happy to share these agreements with you. The fact is, the city of Austin should have never entered into this operating agreement with language like this. The city of Austin should never be a party to any agreement that imposes a requirement to interfere with and object to a worker's decision on whether to form a union. This language is inconsistent with Austin's values, it is an unlawful attempt to curtail federal labor rights, and we

[10:41:19 PM]

support this resolution because we believe council should exercise its rights under ace's current bylaws to ensure this provision is removed from this operating agreement as quickly as possible. And to be clear, nothing in this resolution requires Hilton to recognize a union or to take any position on unionization. It simply gives Hilton, as the hotel's operator, the discretion of how to engage with any decision by its employees to organize a union. Finally, we support this resolution because we believe major public agreements like this operating agreement should be subject to public review. This resolution ensures that elected officials of this city are able to review and approve the next operating agreement. Thank you.

>> Mayor Adler: Thank you. Item 46 has been moved and seconded. Any discussion?

[10:42:19 PM]

24, rather, has been moved and seconded. Any discussion?

>> Casar: I have some questions. The Mr. Hess, will you come answer some questions for me, please? So I submitted a question last week, and then it's on the Q and a. It's something that was raised by a moment ago, which is our operating agreement prohibits the operator from allowing voluntary organizing. And I understand that San Antonio, Houston, Dallas, Chicago, San Diego, Kansas City, Denver, Phoenix, and they're publicly available documents, don't have that prohibition on their operator. So my question last week was, if we know of other public hotels that have this prohibition on the operator. I got an answer from chm Warnick saying they're not prepared to address individual questions but do we know as the city or assays

[10:43:21 PM]

if there's any other public hotel with that language?

>> I'm not aware. I'm director of the Austin convention center, also current president of the Austin strengthens enterprises board. Not that I'm aware of. I'm not sure. I'm not sure.

>> Casar: Have we gone and checked but have we checked and haven't found one yet?

>> I know that they did a study checking preliminary study of what agreements had peace agreements or not. That was the study. The list that you gave me, we did research on specifically whether they did or did not.

>> Casar: But whether they actually had prohibitive language that we are voting to ask the ace board to consider removing, whether that prohibitive language is in the agreement or not, we don't know whether the asset manager has checked or the city has changed to see whether that language exists in other public hotels, but we know that at least these eight or nine do not.

>> I think that would be a question for them. Yes. I don't know.

>> Casar: And we don't know whether the asset manager checked

[10:44:22 PM]

that.

>> I'm not sure.

>> Casar: And there was recently a bond holder call with the asset manager and y'all that's publicly available, and the asset manager didn't bring up then whether this language that's being talked about being removed is in any other public hotel that we know of.

>> That I know of. Correct.

>> Casar: And so I just think that would be important as we talk to the bond holders to share the information, if we're going to be removing this line, potentially, it seems to me that at least eight or nine other publicly owned hotels don't have this line, and that we stand alone in having it, and I think it would be important for bond holders to know that. One other just quick round of questions, so we hired Peter fisher from baker to advise us these issues at ace. Is that correct?

>> Correct.

>> Casar: Recently it was shared with us an article from law 360 where Mr. Fisher says I'm a modern-day gladiator. I like to fight.

[10:45:23 PM]

Labor negotiations is about the most free form of controversy you're about to have. Union negotiations are by any standard heated. Screaming, melodrama presented by the union to make a point, it is hand to hand combat. Federal litigation like fencing, union bear knuckle boxing. It's part of who I am. To me that makes me worried because it's sort of a conflict. It sounds to me like marshal language and it doesn't seem to me to bring about the sort of labor harmony that we're looking for. That makes me worried, is he still advising us on these issues?

>> Yes.

>> Casar: Could you share and check to see and let the council know if you can share with us legal advice that he's provided? Because it just makes me worried that when the council is trying to minimize labor disruption, the potential for labor disruption, for there to be sort of this language that seems very conflict--oriented. It would be useful to let us know whether you can share with us his legal advice or not.

>> I will check.

[10:46:24 PM]

>> Casar: So I think ultimately, the hope of this resolution is to get us a guarantee that there won't be a labor dispute rather than -- and provide us the flexibility to provide a guarantee against one. Looking at the news, we've seen national labor disruptions at the Marriott, disruptions at the Dallas American

airlines headquarters from tourism, and hospitality workers, uaw on strike for weeks that caused millions of dollars in economic damage so I think it's really important for us to guarantee that there won't be a labor dispute here, and I worry that we stand pretty alone, as far as I can tell, of having language that makes it more difficult for us to avoid one, and that we aren't giving -- getting -- we're not asked for the information, aren't getting answers about whether anybody else has that information, and that advice and path that has been given to ace has some of this conflict language when I think we're trying to avoid that kind of

[10:47:24 PM]

conflict in labor disruption. I hope moving this forward gets us to a place where we can get back on track and sort of get our hotel to the best place that it can be.

>> Mayor Adler: Yes, Mr. Flannigan.

>> Flannigan: Mr. -- Thanks for sticking it out tonight.

>> Sure.

>> Flannigan: When I read the resolution, it seems, I think, like we would all generally agree that we want to support labor organizing, we want to support our workforce, including in the operating agreement, I understand there's some legal challenges getting there. I have all the faith that you will do your best to try to get us across that finish line. But do you feel that it's a fair assessment that we're all on the same page about where we want to get to, even if it will be challenging to get there?

>> I think the challenge comes from us as the board has given

[10:48:24 PM]

certain authority, and this is outside the authority and needs the approval of the bond holders. And it is absolutely appropriate to go to the bond holders and ask this question and they would be the ones that would ultimately make the decision.

>> Flannigan: Great. And the agreement -- when was the agreement signed that included this provision originally?

>> Originally, it was approved by city council in 2001.

>> Flannigan: 2001. That hadn't been said and I didn't want people to think we had done this in the last couple of years. This is an old -- from many councils ago. And that agreement is up for renewal in what year?

>> December 2021.

>> Flannigan: Great, we're up for renewals sounds like a good time to do some negotiating. I feel comfortable that we can move forward on this. Thank you, Mr. Tester.

>> Thank you.

>> Flannigan: My one question for either the sponsor or law, on page 3 of 4 in that be it resolved, it appears to be dictating the actions of a future council in the way that it's

[10:49:24 PM]

language. And we're not sure that's how we want to pass a resolution. Says the council will not, and those two items would be a future council decision. So it would either need to say the staff, you know, should not bring or council does not intend to, but I feel like "Will not" is not actually -- I don't think that works.

>> Casar: I think the staff being directed to not bring it is the intent. It's our policy that that agreement not be brought forward till that issue is addressed.

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: Yeah, I -- excuse me -- I just want to weigh in in support for the unionization and the organizing and the unionization of our employees, especially those in the service industry who can be frequently

[10:50:26 PM]

subject to unfair treatment. And so to the extent that our folks who are here tonight, Mr. Delp, can help with the organizing, I absolutely support that effort, as a union member myself, long-time union member myself, I think the protections that unions provide to employees, particularly in the service industry, are really important and that reflects the values of this dais, so I'm really happy to know that we're working in this -- in this -- in this area. I wish we could have changed it today to remove the antiunion language out of the contract. And I want to make sure that contracts in the future that come for our approval, the ones that we're going to be voting on, don't contain any of that kind of language at all. Thanks.

>> Mayor Adler: All right. Let's take a vote. Councilmember Casar.

>> Casar: The last thing I'll say as sponsor -- and I said this at work session, is that while we

[10:51:28 PM]

all may -- one of our capacities, be advocates of workers' rights, ultimately the resolution's language doesn't actually speak one way or another on that issue, it ultimately is about protecting the hotel's -- our proprietary interest in the hotel by protecting it from labor disruption.

>> Mayor Adler: Those in favor of this item, please raise your hand. Those opposed? It's unanimous on the dais with councilmember tovo off. Let's hit the last item we have, which is item number 63.

>> Mayor and council, Jr., Jr., planning and zoning department. 63, case c14-2019-0090. This is for the property located at 7410 cooper lane, it is a request to change zoning from Dr to sf-6 zoning. The approximately is approximately five acres. The staff is recommending the sf-6 or condominium zoning. Zoning and planning commission recommended approval of the staff

[10:52:28 PM]

recommendation on unanimous vote. There is a valid petition to this case, stands up 41%. It has been signed by two property owners and I'm available for questions.

>> Mayor Adler: Thank you. Is there a motion to approve the city staff recommendation that was approved by the commission? Councilmember Flannigan makes that motion. Is there a second? Councilmember Ellis seconds. All right. Let's hear from the applicant. Mr. Thrower, you have five minutes.

>> Mayor, councilmembers, Ron thrower representing the brother and sister who are the landowners of this property and they've been there for many decades. The property is located on cooper lane and as you can see, to the easies south first street. Further to the easies south congress. Not north is William cannon and to the south is Dittmar, over on the far left is manchaca. You can see the property outlined in blue is Dr today. We're asking for sf-6

[10:53:30 PM]

zoning. There's sf-6 directly across the street on cooper lane, also south on the east side of cooper lane, then another one that is on this side of the street and south of the property, again fronting on cooper lane. Looking at it in a little bit more detail, again, you can see the sf-6 that's directly across the street from this property. I wanted to point this out because you can see that we have creeks in the area. There's a creek that's on the back side of the property to the west and we're not going to be able to cross that creek because it's in a critical water quality zone. Then commercial services that are in the area, there's a landscape company that operates out of here and an electrical service company. There's an alliance -- I'm not sure what that is, very big warehouse that's located on that property. Then of course you've got public storage out on south first street and then to the north you've got a tamale factory. And so what we're looking at here is putting an sf-6, it's proximate to some transit options.

[10:54:30 PM]

There's six transit stops on south first street, five of them are within a half mile, and again, south first street is .38 of a mile away from the property. There's been a lot of discussion, should the property be sf-2 or 6. I want to throw this out there because there's going to be a requirement for right-of-way dedication that's very important, my client's right-of-way goes all the way to the edge of pavement today. It's important that right-of-way gets dedicated. Are there going to be roadway improvements? There's going to be more under the sf-6 scenario. Public road versus private is important. Is it going to be a city maintained road or privately maintained road? A city maintained drainage infrastructure, or privately maintained? Both of them will comply no matter what. There's going to be a drainage fee collected off sf-6 but not off of the single-family. Tree preservations are far greater under sf-6 versus sf-2 or 3. So we're asking for not

[10:55:30 PM]

seven or eight units, we're asking for maybe up to 60 units. I don't know if we're going to get to 60 units. It's probably going to be less. I think the creek in the back is going to hinder the ability to get 60 units on this property. But it depends on the product type that ultimately goes in. And so here I wanted to show the drainage patterns that exist. Right now, our property drains to the creek. It does not drain to cooper lane. There is a very small piece that drains to cooper lane but our intent would be to shift everything so it goes to the west towards the creek. So there's not going to be any impact to any drainage infrastructure on cooper lane. So we're looking for support for this because we have single-family 6 in the area. It's compatible with the adjacent sf-uses. We have a buffer that's going to be put in because of the creek we can't cross because of the single-family on the west side. It's greater density needed near activity corridors. It'll serve as catalyst to

[10:56:31 PM]

get the improvements to the roadway, which is very important. Council, of course, has directed for housing of all types in all parts of town. With that, I'm available if you have any questions. Thank you.

>> Mayor Adler: Thank you. We have a couple more people signed up to speak. Is Michelle here? Is Rosie torres here? You'll be up next at this podium. You have three minutes.

>> I'm Michelle sides, I'm a resident of cooper lane within 500 feet of this proposed rezoning. First I want to speak to our rain water drainage. The rain water drainage on this structure of cooper lane is insufficient in allowing additional rezonings, it invites development that increases and exacerbates the already present risk of flooding, for current residents of cooper lane and surrounding areas. The Earth acts as a sponge, absorbing a great deal of rainfall, and if these Dr districts, zoning district properties are rezoned to

[10:57:31 PM]

sf-6 zoning, a great deal of this land is displaced with concrete, townhomes, and we lose a lot of our sponge which is currently our only flood prevention plan. There was two occasions can rain water made its way into garages of several homes of cooper lane within 500 feet of 7410 cooper. If we continue to rezone without making prior improvements to the rain water drainage system, we're inviting the predictable increased risk of flooding. It is not advisable to prioritize tax money gained if public safety is suffering. Additionally, a major pipeline that carries hazardous materials, including, but not limited to, jet fuel, runs through the southside of cooper lane. My neighbor who can't be here today is 86 years old and has lived her whole entire life on cooper lane next-door to this property requesting rezoning. She shared with me that this pipeline has blown up to the south end of cooper lane twice in her lifetime. The first time it blew up she was in Mary mother's womb, in 1931 or 1932.

[10:58:32 PM]

Again, it blew up in the south end of cooper lane in the fifties or sixties. She recalls on it vividly. She said the cooper lane and surrounding areas were vac vac -- were evacuated all the way north to Lamar boulevard. Their cow became sterile, never gave birth again and it took many years for this area to recover. This nearly forgotten piece of local history needs to be considered before making the decision for the south part of cooper lane to allow development of over housing projects to a vulnerable stretch of land which houses a historically unstable pipeline. The Earth shifts drastically, depending on weather conditions, as she has observed over the last 86 years. In drought the Earth dries and cracks. In rainy season the Earth swells and shifts, which greatly compromises the integrity of this pipeline.

[10:59:33 PM]

Lastly cooper lane is a narrow road that was built as a country road and was not built to accommodate housing developments nor the increase of traffic that would come with rezoning 7410 cooper or any properties on the southern half of cooper lane to sf-6 townhouse and condominium zonings. This road is 25 miles per hour road. We already see a lot of speeding issues. As a bicyclist I get the finger regularly of why you biking on this road? Because this is my home and I live here. Buzz.

>> Mayor Adler: Okay, go ahead.

>> Good evening, everybody. My name is Rosie torres. Properly say it. But I just wants to express my -- just want to express my gratitude for everybody being here this late. I know everybody is tired. I know I took a day off from my job and I am here this late with all of y'all. So thank you for that.

[11:00:33 PM]

I know been having a hard evening with difficult choices to make and how it affects everybody. In my culture everything is connected from the water to the land we live on to the animals, to the people. It's all connected. So I just would like to reiterate or back up what Michelle Saenz was saying, expressing about the drainage issues about not having sidewalks as it is already. Don't have sidewalks. Makes it very dangerous for us to walk. To walk down to get on the bus or basically to just walk your dog or do the things you need to do. Another thing is obviously people don't obey speed limits. It's very -- it's very hard getting out to go to work at 7:00 in the morning when you're having all this traffic coming through and then you're trying to back up on your own driveway and

[11:01:34 PM]

it takes you 15 minutes. We went around canvassing our walking, talking and greeting and meeting our neighbors and to hear stories of what they had to say about this and express their concerns. Many of them oppose this. Many of them express also too the imminent threats of all the dangers of driving on the -- traffic that's happening. I also want to, you know, with all the talks that we had earlier, and everything that everything that was expressed, that everyone expressed, I have a concern that rezoning leads to displacement. Rezoning this property contributes to the housing crisis we have.

[11:02:35 PM]

It has with it the fear of affordable options, including people who have lived there their whole entire lives. It's senseless to prioritize overcrowded condominiums or townhomes to act out of towners to -- attract out of towners to Austin if it means nicing lifelong austinities, especially those Austin austinities have to move out of Austin to find affordable living situations. So I'm connecting this because like I said, everything is connected. And I am just trying to also speak out for the person that my neighbor expressed that was hit --

[buzzer sounds]

-- By the bike. Was on their bike and got hit by a car. And wasn't able to do anything about it because the person just kept speeding. So I am really concerned for those dangers.

>> Mayor Adler: Thank you.

>> Thank you for your time.

>> Mayor Adler: You have the opportunity to close. Three minutes.

>> Thank you, councilmembers.

[11:03:35 PM]

I'll be brief. I just want to point out that the the development of this property is going to comply to current regulations in place today and be increased by the adoption of atlas 14, which would be before y'all within a month. So we're going to be obviously mitigating any sort of drainage impacts that we're going to have off of this property. As far as a pipeline, we are far outside of the high consequence area of the pipeline, which I think is 660 feet. And I think we're three times as far away from that pipeline as that. But again, I understand that cooper lane is a substandard road, that it is lacking and it needs improvements. The city's done a preliminary study on that roadway and a few others around town. And I think that it's important, specifically for this property especially, since my client owns right-of-way. His land goes all the way out to the edge of the pavement. It's going to be important that the city gain that right-of-way out of this process and it's going to be

[11:04:36 PM]

important that the city gain any sort of mitigation improvements or fees associated that can go into the cooper lane improvements. The sf-6 development that's across the street put in a left turn lane specific for their development. And there's no reason why this project could not do the same. I understand there's another pending sf-6 project on this same stretch of roadway. And I'm sure that they're going to be required to do the same. So the one way that we can get cooper lane to a more current standard is to incrementally allow some development on it. So with that again I'm available if you have any questions. We were looking for your support for first reading only. There was some mention of a valid petition and the two people that did sign that petition have now come off of that petition and I'll be handing those signatures over to city staff this evening. So I just wanted to make it clear that there is not a petition on this property. Thank you.

>> Mayor Adler: Is this in front of us just on first reading?

[11:05:38 PM]

>> Yes, mayor, the case is ready only for first reading.

>> Mayor Adler: Only ready for first reading. Thank you. Councilmember.

>> Kitchen: So can you confirm that there's no valid petition, Jerry?

>> No, I cannot. We received the signatures, we verified the signatures and so as far as staff is concerned the petition is valid as of right now. I heard when Mr. Thrower just said, but we'd have to receive the documents from him and then check them against what we received earlier.

>> Kitchen: Okay. So I do have concerns about the substandard road. Do we have anyone here from transportation?

>> [Indiscernible], Austin transportation department.

>> Thank you. So I'm understanding -- tell me if I've got this correct. That cooper lane was identified as a substandard road for purposes of the 2018 bond.

>> 2016.

[11:06:40 PM]

>> Kitchen: I'm sorry, 2016 bond. So there was engineering or preliminary engineering -- tell me what was done as a part of that?

>> So as part of 2016 mobility bond there was a preliminary engineering study done on cooper lane that recommended to widen cooper lane from existing 20 feet to 25 feet road with five foot sidewalk on the eastside and 10-foot shared use path on the eastside.

-- Westside. In addition to these improvements there were also three left turn lanes recommended at three intersections. So these were recommendations from report, but there hadn't been any funding identified at that point.

>> Kitchen: Okay. Is there any idea of how much it will cost to make those improvements?

>> I don't have the costs handy at this point, but I can double-check.

>> Kitchen: I was just wondering order of magnitude for that.

[11:07:40 PM]

Is it --

>> I don't have it, but it could be like anything between like around 500,000 to like over 500,000.

>> Kitchen: Okay. And was there a tia done for this project?

>> This project did not require a tia, but I suppose a neighborhood traffic assessment could be done at the time of the site plan.

>> Kitchen: So at this point it's a substandard road, don't have a route to fixing it. We don't have a traffic impact analysis to know the impact of sf-6 on this road either-- well, as improved, but we know it would be -- would not be good as unimproved, I'm assuming.

>> We suppose at the time of the site plan there would be some transportation mitigation to improve the cooper lane, but to what extent we have not checked it yet. That would be identified at the time of site plan.

>> Kitchen: So we don't

[11:08:40 PM]

know what would be required and we don't know if it would be enough for this road to take on sf-6.

>> That's correct, at this point, yes, that's correct.

>> Kitchen: Okay. So I have a question for Mr. Thrower. So I know you had an opportunity to meet with the neighbors. Can you talk to us about whether there was anything that came out of that?

>> My assistant, Victoria, actually attended that meeting. I was unable to. But she did provide a summary for that. And she said there was a lot of discussion about traffic, drainage, density, the same things we hear on a lot of cases.

>> Kitchen: Okay.

>> But it was not a very well run meeting. She had a lot of difficulty conveying clear, concise answers to the community that was involved.

[11:09:40 PM]

And she frankly walked out of there with a great level of disappointment that she wasn't able to have a good level of communication.

>> Kitchen: Okay. So our main concern about this, would you be -- would you be willing to talk to the neighbors again? I think that their concerns are very valid given the state of cooper lane. And I would be interested in the potential for working with them to see if there's anything that could be done to address their concerns. And I do remain concerned about sf-6. So I could go forward on first reading today only, but only with the understanding that you would be willing to work with the neighbors some more and only with the understanding that I'd be looking for some more clarity around the transportation improvements, and I'm not even sure if I could support sf-6 at the end of the day. Because if you look at that road, cooper lane is a

[11:10:41 PM]

substandard lane. It is not a corridor, it is not a transit network, it's not a major road at all. And to put sf-6 all along it, that's not where we typically think of sf-6. So I just want you to know my concerns, but I'm willing to continue working on it. But only for first reading.

>> Thank you. And yes, we will get with the two neighbors that spoke tonight. They did not attend the overall neighborhood meeting, but yes, we will.

>> Kitchen: Okay. And I'm happy to be of assistance. I know we were not able to attend the neighborhood meeting, but we'll make ourselves available.

>> Great, thank you.

>> Kitchen: So mayor, with that, I'm willing to move forward on first reading only, but only for that purpose, and I don't know that I'll be able to support it in the end.

>> Mayor Adler: Councilmember kitchen moves passage of the --

>> Kitchen: No, actually, I don't move passage. Someone else is going to

[11:11:42 PM]

have to move passage.

>> Mayor Adler: Someone move passage on first reading only? Do we already have a motion.

>> Flannigan: I motioned, Ellis seconded it.

>> Mayor Adler: I think you're right. It's been moved and seconded. First reading only.

>> Do you want to keep the public hearing open or closed?

>> Flannigan: Doesn't matter.

>> The law department has asked me to still ask that question.

>> Mayor Adler: Does it make any difference anymore if we are going to take action --

>> It does make a difference. It doesn't make a difference in people actually speaking, but because it's a zoning case and we have to actually open and close a public hearing, we should close it or take action on it, one way or the other.

>> [Inaudible].

>> Alter: It's not a public hearing next time, it's testimony on the item.

>> Correct.

>> Mayor Adler: The motion is to pass on first reading only, to close the public hearing. Recognizing that there will be an automatic entitlement under state law for public testimony when it comes back.

>> Kitchen: Then why do we close the public hearing?

[11:12:44 PM]

>> Well, from my perspective it's just at some point you need to close it.

>> Kitchen: I don't really want to close it right now.

>> Okay.

>> Mayor Adler: Okay. The public hearing is going to stay open. First reading only. Let's take a vote. Ready? Yes.

>> Harper-madison: Actually, I have a question. Got my fancy hearing aid in. This thing is amazing. I'd like to know -- I think maybe the -- Mr. Thrower can answer this question. I was listening to councilmember kitchen's concerns about the propriety of this type of development in the area. I just want to know if there are similar projects to this one and if you could just did sort of paint a picture for me how different this would be from what exists currently.

>> Well, if you look just on cooper lane, again there's sf-6 directly across the street from our proposal. And that was a case that I actually worked on three, four years ago. And then it's developed out

[11:13:47 PM]

withstand alone condominium developments that it looks like single-family, but it's actually a condominium development, which sf-6 gives you that flexibility. To the south of there is another sf-6 property that I did the zoning on that one too and we also did the site plan for it. And again, it's standalone condominium developments on that one as well. So again, it's a project that looks a lot like single-family, but it's all privately maintained and not city maintained roadways and infrastructure.

>> Harper-madison: So this wouldn't be abnormal in comparison to what currently exists?

>> It would not be abnormal, no.

>> Harper-madison: Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Yes. I do have concerns, but my primary concerns are about the state of cooper lane because even though there are -- there is another sf-6 on that lane, at some point since we don't have a tia, the cumulative impact on the -- on that road of multiple sf-6 or whatever

[11:14:47 PM]

does make a difference. And I think it's important for us to understand what that is and we don't even have a transportation impact analysis at this point. So just for clarifications, that's what I was concerned about.

>> Mayor Adler: Okay. Motion is to approve on first reading only. Keep the public hearing on as the staff recommendation. Those in favor please raise your hand? Those opposed? Unanimous on the dais with councilmember tovo off and the mayor pro tem Garza off. Those are all the items we have. It's 11:15. This meeting is adjourned.